

103^D CONGRESS
2^D SESSION

H. R. 2339

AMENDMENT
TO
SENATE AMENDMENT

In the House of Representatives, U. S.,

February 8, 1994.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2339) entitled “An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes”, with the following

AMENDMENT:

In lieu of the matter inserted by said amendment, insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Technology-Related Assistance for Individuals With Dis-*
4 *abilities Act Amendments of 1994”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. References.*
- Sec. 3. Findings, purposes, and policy.*
- Sec. 4. Definitions.*

TITLE I—GRANTS TO STATES

- Sec. 101. Program authorized.*
- Sec. 102. Development grants.*
- Sec. 103. Extension grants.*
- Sec. 104. Progress criteria and reports.*
- Sec. 105. Administrative provisions.*
- Sec. 106. Authorization of appropriations.*
- Sec. 107. Repeals.*

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

- Sec. 201. National classification system.*

Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals with Disabilities Education Act.

Sec. 402. Rehabilitation Act of 1973.

Sec. 403. Administrative requirements under the Head Start Act.

Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

1 **SEC. 2. REFERENCES.**

2 *Except as otherwise specifically provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or a repeal of, a section or other provi-*
 5 *sion, the reference shall be considered to be made to a section*
 6 *or other provision of the Technology-Related Assistance for*
 7 *Individuals With Disabilities Act of 1988 (29 U.S.C. 2201*
 8 *et seq.).*

9 **SEC. 3. FINDINGS, PURPOSES, AND POLICY.**

10 *(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201)*
 11 *is amended by striking the heading and inserting the follow-*
 12 *ing:*

13 **“SEC. 2. FINDINGS, PURPOSES, AND POLICY.”.**

14 *(b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is*
 15 *amended to read as follows:*

16 *“(a) FINDINGS.—The Congress finds as follows:*

1 “(1) *Disability is a natural part of the human*
2 *experience and in no way diminishes the right of in-*
3 *dividuals to—*

4 “(A) *live independently;*

5 “(B) *enjoy self-determination;*

6 “(C) *make choices;*

7 “(D) *pursue meaningful careers; and*

8 “(E) *enjoy full inclusion and integration in*
9 *the economic, political, social, cultural, and edu-*
10 *cational mainstream of American society.*

11 “(2) *During the past decade, there have been*
12 *major advances in modern technology. Technology is*
13 *now a powerful force in the lives of all residents of*
14 *the United States. Technology can provide important*
15 *tools for making the performance of tasks quicker and*
16 *easier.*

17 “(3) *For some individuals with disabilities,*
18 *assistive technology devices and assistive technology*
19 *services are necessary to enable the individuals—*

20 “(A) *to have greater control over their lives;*

21 “(B) *to participate in, and contribute more*
22 *fully to, activities in their home, school, and*
23 *work environments, and in their communities;*

24 “(C) *to interact to a greater extent with in-*
25 *dividuals who do not have disabilities; and*

1 “(D) to otherwise benefit from opportunities
2 that are taken for granted by individuals who do
3 not have disabilities.

4 “(4) Substantial progress has been made in the
5 development of assistive technology devices, including
6 adaptations to existing equipment, that significantly
7 benefit individuals with disabilities of all ages. Such
8 devices can be used to increase the involvement of
9 such individuals in, and reduce expenditures associ-
10 ated with, programs and activities such as early
11 intervention, education, rehabilitation and training,
12 employment, residential living, independent living,
13 recreation, and other aspects of daily living.

14 “(5) Most States have technology-related assist-
15 ance programs carried out under this Act. In spite of
16 the efforts made by such programs, there remains a
17 need to support systems change and advocacy activi-
18 ties in order to assist States to develop and imple-
19 ment consumer-responsive, comprehensive statewide
20 programs of technology-related assistance for individ-
21 uals with disabilities of all ages.

22 “(6) Notwithstanding the efforts of such State
23 technology-related assistance programs, there is still a
24 lack of—

1 “(A) resources to pay for assistive tech-
2 nology devices and assistive technology services;

3 “(B) trained personnel to assist individuals
4 with disabilities to use such devices and services;

5 “(C) information among individuals with
6 disabilities and their family members, guard-
7 ians, advocates, and authorized representatives,
8 individuals who work for public agencies, or for
9 private entities (including insurers), that have
10 contact with individuals with disabilities, edu-
11 cators and related service personnel, technology
12 experts (including engineers), employers, and
13 other appropriate individuals about the avail-
14 ability and potential of technology for individ-
15 uals with disabilities;

16 “(D) aggressive outreach to
17 underrepresented populations and rural popu-
18 lations;

19 “(E) systems that ensure timely acquisition
20 and delivery of assistive technology devices and
21 assistive technology services, particularly with
22 respect to children;

23 “(F) coordination among State human serv-
24 ices programs, and between such programs and
25 private entities, particularly with respect to

1 *transitions between such programs and entities;*
2 *and*

3 *“(G) capacity in such programs to provide*
4 *the necessary technology-related assistance.*

5 *“(7) Many individuals with disabilities cannot*
6 *access existing telecommunications and information*
7 *technologies and are at risk of not being able to access*
8 *developing technologies. The failure of Federal and*
9 *State governments, hardware manufacturers, software*
10 *designers, information systems managers, and tele-*
11 *communications service providers to account for the*
12 *specific needs of individuals with disabilities results*
13 *in the exclusion of such individuals from the use of*
14 *telecommunications and information technologies and*
15 *results in unnecessary costs associated with the retro-*
16 *fitting of devices and product systems.*

17 *“(8) There are insufficient incentives for the*
18 *commercial pursuit of the application of technology*
19 *devices to meet the needs of individuals with disabili-*
20 *ties, because of the perception that such individuals*
21 *constitute a limited market.*

22 *“(9) At the Federal level, there is a lack of co-*
23 *ordination among agencies that provide or pay for*
24 *the provision of assistive technology devices and*
25 *assistive technology services. In addition, the Federal*

1 *Government does not provide adequate assistance and*
2 *information with respect to the use of assistive tech-*
3 *nology devices and assistive technology services to in-*
4 *dividuals with disabilities and their family members,*
5 *guardians, advocates, and authorized representatives,*
6 *individuals who work for public agencies, or for pri-*
7 *vate entities (including insurers), that have contact*
8 *with individuals with disabilities, educators and re-*
9 *lated services personnel, technology experts (including*
10 *engineers), employers, and other appropriate individ-*
11 *uals.”.*

12 *(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is*
13 *amended to read as follows:*

14 *“(b) PURPOSES.—The purposes of this Act are as fol-*
15 *lows:*

16 *“(1) To provide financial assistance to the States*
17 *to support systems change and advocacy activities de-*
18 *signed to assist each State in developing and imple-*
19 *menting a consumer-responsive comprehensive state-*
20 *wide program of technology-related assistance, for in-*
21 *dividuals with disabilities of all ages, that is designed*
22 *to—*

23 *“(A) increase the availability of, funding*
24 *for, access to, and provision of, assistive tech-*
25 *nology devices and assistive technology services;*

1 “(B) increase the active involvement of in-
2 dividuals with disabilities and their family
3 members, guardians, advocates, and authorized
4 representatives, in the planning, development,
5 implementation, and evaluation of such a pro-
6 gram;

7 “(C) increase the involvement of individuals
8 with disabilities and, if appropriate, their fam-
9 ily members, guardians, advocates, or authorized
10 representatives, in decisions related to the provi-
11 sion of assistive technology devices and assistive
12 technology services;

13 “(D) increase the provision of outreach to
14 underrepresented populations and rural popu-
15 lations, to enable the two populations to enjoy
16 the benefits of programs carried out to accom-
17 plish purposes described in this paragraph to the
18 same extent as other populations;

19 “(E) increase and promote coordination
20 among State agencies, and between State agen-
21 cies and private entities, that are involved in
22 carrying out activities under this title, particu-
23 larly providing assistive technology devices and
24 assistive technology services, that accomplish a

1 *purpose described in another subparagraph of*
2 *this paragraph;*

3 *“(F)(i) increase the awareness of laws, regu-*
4 *lations, policies, practices, procedures, and orga-*
5 *nizational structures, that facilitate the avail-*
6 *ability or provision of assistive technology de-*
7 *vices and assistive technology services; and*

8 *“(ii) facilitate the change of laws, regula-*
9 *tions, policies, practices, procedures, and organi-*
10 *zational structures, that impede the availability*
11 *or provision of assistive technology devices and*
12 *assistive technology services;*

13 *“(G) increase the probability that individ-*
14 *uals with disabilities of all ages will, to the ex-*
15 *tent appropriate, be able to secure and maintain*
16 *possession of assistive technology devices as such*
17 *individuals make the transition between services*
18 *offered by human service agencies or between set-*
19 *tings of daily living;*

20 *“(H) enhance the skills and competencies of*
21 *individuals involved in providing assistive tech-*
22 *nology devices and assistive technology services;*

23 *“(I) increase awareness and knowledge of*
24 *the efficacy of assistive technology devices and*
25 *assistive technology services among—*

1 “(i) individuals with disabilities and
2 their family members, guardians, advocates,
3 and authorized representatives;

4 “(ii) individuals who work for public
5 agencies, or for private entities (including
6 insurers), that have contact with individ-
7 uals with disabilities;

8 “(iii) educators and related services
9 personnel;

10 “(iv) technology experts (including en-
11 gineers);

12 “(v) employers; and

13 “(vi) other appropriate individuals;

14 “(J) increase the capacity of public agencies
15 and private entities to provide and pay for
16 assistive technology devices and assistive tech-
17 nology services on a statewide basis for individ-
18 uals with disabilities of all ages; and

19 “(K) increase the awareness of the needs of
20 individuals with disabilities for assistive tech-
21 nology devices and for assistive technology serv-
22 ices.

23 “(2) To identify Federal policies that facilitate
24 payment for assistive technology devices and assistive
25 technology services, to identify Federal policies that

1 *impede such payment, and to eliminate inappropriate*
2 *barriers to such payment.*

3 “(3) To enhance the ability of the Federal Gov-

4 *ernment to provide States with—*

5 “(A) technical assistance, information,

6 *training, and public awareness programs relat-*

7 *ing to the provision of assistive technology de-*

8 *vices and assistive technology services; and*

9 “(B) funding for demonstration projects.”.

10 (d) *POLICY.—Section 2 (29 U.S.C. 2201) is amended*
11 *by adding at the end the following:*

12 “(c) *POLICY.—It is the policy of the United States that*

13 *all programs, projects, and activities receiving assistance*

14 *under this Act shall be consumer-responsive and shall be*

15 *carried out in a manner consistent with the principles of—*

16 “(1) *respect for individual dignity, personal re-*

17 *sponsibility, self-determination, and pursuit of mean-*

18 *ingful careers, based on informed choice, of individ-*

19 *uals with disabilities;*

20 “(2) *respect for the privacy, rights, and equal ac-*

21 *cess (including the use of accessible formats), of such*

22 *individuals;*

23 “(3) *inclusion, integration, and full participa-*

24 *tion of such individuals;*

1 “(4) support for the involvement of a family
 2 member, a guardian, an advocate, or an authorized
 3 representative, if an individual with a disability re-
 4 quests, desires, or needs such support; and

5 “(5) support for individual and systems advo-
 6 cacy and community involvement.”.

7 **SEC. 4. DEFINITIONS.**

8 Section 3 (29 U.S.C. 2202) is amended—

9 (1) by redesignating paragraphs (1) through (8)
 10 as paragraphs (2), (3), (7), (8), (10), (11), (13), and
 11 (14), respectively;

12 (2) by inserting before paragraph (2) (as redesign-
 13 ated by paragraph (1)) the following:

14 “(1) *ADVOCACY SERVICES.*—The term ‘advocacy
 15 services’, except as used as part of the term ‘protection
 16 and advocacy services’, means services—

17 “(A) provided to assist individuals with
 18 disabilities and their family members, guard-
 19 ians, advocates, and authorized representatives
 20 in accessing assistive technology devices and
 21 assistive technology services; and

22 “(B) provided through—

23 “(i) individual case management for
 24 individuals with disabilities;

1 “(ii) representation of individuals with
2 disabilities (other than representation with-
3 in the definition of protection and advocacy
4 services);

5 “(iii) training of individuals with dis-
6 abilities and their family members, guard-
7 ians, advocates, and authorized representa-
8 tives to successfully conduct advocacy for
9 themselves; or

10 “(iv) dissemination of information.”;

11 (3) in paragraph (3)(E) (as redesignated by
12 paragraph (1)), by striking “family” and all that fol-
13 lows and inserting “the family members, guardians,
14 advocates, or authorized representatives of such an in-
15 dividual; and”;

16 (4) by inserting after paragraph (3) (as redesign-
17 ated by paragraph (1)) the following:

18 “(4) COMPREHENSIVE STATEWIDE PROGRAM OF
19 TECHNOLOGY-RELATED ASSISTANCE.—The term ‘com-
20 prehensive statewide program of technology-related as-
21 sistance’ means a statewide program of technology-re-
22 lated assistance developed and implemented by a
23 State under title I that—

24 “(A) addresses the needs of all individuals
25 with disabilities, including members of

1 *underrepresented populations and members of*
2 *rural populations;*

3 *“(B) addresses such needs without regard to*
4 *the age, type of disability, race, ethnicity, or gen-*
5 *der of such individuals, or the particular major*
6 *life activity for which such individuals need the*
7 *assistance; and*

8 *“(C) addresses such needs without requiring*
9 *that the assistance be provided through any par-*
10 *ticular agency or service delivery system.*

11 *“(5) CONSUMER-RESPONSIVE.—The term*
12 *‘consumer-responsive’ means, with respect to an en-*
13 *tity, program, or activity, that the entity, program,*
14 *or activity—*

15 *“(A) is easily accessible to, and usable by,*
16 *individuals with disabilities and, when appro-*
17 *priate, their family members, guardians, advo-*
18 *cates, or authorized representatives;*

19 *“(B) responds to the needs of individuals*
20 *with disabilities in a timely and appropriate*
21 *manner; and*

22 *“(C) facilitates the full and meaningful par-*
23 *ticipation of individuals with disabilities (in-*
24 *cluding individuals from underrepresented popu-*
25 *lations and rural populations) and their family*

1 *members, guardians, advocates, and authorized*
2 *representatives, in—*

3 *“(i) decisions relating to the provision*
4 *of assistive technology devices and assistive*
5 *technology services; and*

6 *“(ii) the planning, development, imple-*
7 *mentation, and evaluation of the com-*
8 *prehensive statewide program of technology-*
9 *related assistance.*

10 *“(6) DISABILITY.—The term ‘disability’ means a*
11 *condition of an individual that is considered to be a*
12 *disability or handicap for the purposes of any Fed-*
13 *eral law other than this Act or for the purposes of the*
14 *law of the State in which the individual resides.”;*

15 *(5) by striking paragraph (7) (as redesignated*
16 *by paragraph (1)) and inserting the following:*

17 *“(7) INDIVIDUAL WITH A DISABILITY; INDIVID-*
18 *UALS WITH DISABILITIES.—*

19 *“(A) INDIVIDUAL WITH A DISABILITY.—The*
20 *term ‘individual with a disability’ means any*
21 *individual—*

22 *“(i) who has a disability; and*

23 *“(ii) who is or would be enabled by an*
24 *assistive technology device or an assistive*
25 *technology service to minimize deterioration*

1 *in functioning, to maintain a level of func-*
2 *tioning, or to achieve a greater level of func-*
3 *tioning in any major life activity.*

4 “(B) *INDIVIDUALS WITH DISABILITIES.*—
5 *The term ‘individuals with disabilities’ means*
6 *more than one individual with a disability.’”;*

7 *(6) in paragraph (8) (as redesignated by para-*
8 *graph (1))—*

9 *(A) by striking “section 435(b)” and insert-*
10 *ing “section 1201(a)”;* and

11 *(B) by striking “1965” and inserting “1965*
12 *(20 U.S.C. 1141(a))”;*

13 *(7) by inserting after paragraph (8) (as redesign-*
14 *ated by paragraph (1)) the following:*

15 “(9) *PROTECTION AND ADVOCACY SERVICES.*—
16 *The term ‘protection and advocacy services’ means*
17 *services that—*

18 *“(A) are described in part C of the Devel-*
19 *opmental Disabilities Assistance and Bill of*
20 *Rights Act (42 U.S.C. 6041 et seq.), the Protec-*
21 *tion and Advocacy for Mentally Ill Individuals*
22 *Act (42 U.S.C. 10801 et seq.), or section 509 of*
23 *the Rehabilitation Act of 1973 (29 U.S.C. 794e);*
24 *and*

1 “(B) assist individuals with disabilities
2 with respect to assistive technology devices and
3 assistive technology services.”;

4 (8) in paragraph (11) (as redesignated by para-
5 graph (1))—

6 (A) by striking “several States” and insert-
7 ing “several States of the United States”;

8 (B) by striking “Virgin Islands” and in-
9 serting “United States Virgin Islands”; and

10 (C) by striking “the Trust Territory of the
11 Pacific Islands” and inserting “the Republic of
12 Palau (until the Compact of Free Association
13 with Palau takes effect)”;

14 (9) by inserting after such paragraph (11) the
15 following:

16 “(12) *SYSTEMS CHANGE AND ADVOCACY ACTIVI-*
17 *TIES.*—The term ‘systems change and advocacy ac-
18 *tivities’ means efforts that result in laws, regulations,*
19 *policies, practices, or organizational structures that*
20 *promote consumer-responsive programs or entities*
21 *and that facilitate and increase access to, provision*
22 *of, and funding for, assistive technology devices and*
23 *assistive technology services on a permanent basis, in*
24 *order to empower individuals with disabilities to*
25 *achieve greater independence, productivity, and inte-*

1 *gration and inclusion within the community and the*
 2 *work force.”;*

3 *(10) in paragraph (13) (as redesignated by*
 4 *paragraph (1))—*

5 *(A) by striking “functions performed and*
 6 *activities carried out under section 101” and in-*
 7 *serting “assistance provided through systems*
 8 *change and advocacy activities”; and*

9 *(B) by inserting “any of subparagraphs (A)*
 10 *through (K) of” before “section 2(b)(1)”;* and

11 *(11) by amending paragraph (14) (as redesign-*
 12 *ated by paragraph (1)) to read as follows:*

13 *“(14) UNDERREPRESENTED POPULATION.—The*
 14 *term ‘underrepresented population’ includes a popu-*
 15 *lation such as minorities, the poor, and persons with*
 16 *limited-English proficiency.”.*

17 ***TITLE I—GRANTS TO STATES***

18 ***SEC. 101. PROGRAM AUTHORIZED.***

19 *(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C.*
 20 *2211(a)) is amended—*

21 *(1) by inserting after “provisions of this title”*
 22 *the following: “to support systems change and advo-*
 23 *cacy activities designed”; and*

24 *(2) by striking “to develop and implement” and*
 25 *inserting “in developing and implementing”.*

1 (b) *ACTIVITIES.*—Section 101 (29 U.S.C. 2211) is
2 amended by striking subsections (b) and (c) and inserting
3 the following:

4 “(b) *ACTIVITIES.*—Any State that receives a grant
5 under section 102 or 103 shall use the funds made available
6 through the grant to accomplish the purposes described in
7 section 2(b)(1) and, in accomplishing such purposes, may
8 carry out any of the following systems change and advocacy
9 activities:

10 “(1) *MODEL SYSTEMS AND ALTERNATIVE STATE-*
11 *FINANCED SYSTEMS.*—The State may support activi-
12 ties to increase access to, and funding for, assistive
13 technology, including—

14 “(A) the development, and evaluation of the
15 efficacy, of model delivery systems that provide
16 assistive technology devices and assistive tech-
17 nology services to individuals with disabilities,
18 that pay for such devices and services, and that,
19 if successful, could be replicated or generally ap-
20 plied, such as—

21 “(i) the development of systems for the
22 purchase, lease, other acquisition, or pay-
23 ment for the provision, of assistive tech-
24 nology devices and assistive technology serv-
25 ices; or

1 “(ii) the establishment of alternative
2 State or privately financed systems of sub-
3 sidies for the provision of assistive tech-
4 nology devices and assistive technology serv-
5 ices, such as—

6 “(I) a loan system for assistive
7 technology devices;

8 “(II) an income-contingent loan
9 fund;

10 “(III) a low-interest loan fund;

11 “(IV) a revolving loan fund;

12 “(V) a loan insurance program;

13 or

14 “(VI) a partnership with private
15 entities for the purchase, lease, or other
16 acquisition of assistive technology de-
17 vices and the provision of assistive
18 technology services;

19 “(B) the demonstration of assistive tech-
20 nology devices, including—

21 “(i) the provision of a location or loca-
22 tions within the State where—

23 “(I) individuals with disabilities
24 and their family members, guardians,

1 *advocates, and authorized representa-*
2 *tives;*

3 “(II) *education, rehabilitation,*
4 *health care, and other service provid-*
5 *ers;*

6 “(III) *individuals who work for*
7 *Federal, State, or local government en-*
8 *tities; and*

9 “(IV) *employers,*
10 *can see and touch assistive technology de-*
11 *vices, and learn about the devices from per-*
12 *sonnel who are familiar with such devices*
13 *and their applications;*

14 “(ii) *the provision of counseling and*
15 *assistance to individuals with disabilities*
16 *and their family members, guardians, advo-*
17 *cates, and authorized representatives to de-*
18 *termine individual needs for assistive tech-*
19 *nology devices and assistive technology serv-*
20 *ices; and*

21 “(iii) *the demonstration or short-term*
22 *loan of assistive technology devices to indi-*
23 *viduals, employers, public agencies, or pub-*
24 *lic accommodations seeking strategies to*
25 *comply with the Americans with Disabil-*

1 *ities Act of 1990 (42 U.S.C. 12101 et seq.)*
2 *and section 504 of the Rehabilitation Act of*
3 *1973 (29 U.S.C. 794); and*

4 *“(C) the establishment of information sys-*
5 *tems about, and recycling centers for, the redis-*
6 *tribution of assistive technology devices and*
7 *equipment that may include device and equip-*
8 *ment loans, rentals, or gifts.*

9 *“(2) INTERAGENCY COORDINATION.—The State*
10 *may support activities—*

11 *“(A) to identify and coordinate Federal and*
12 *State policies, resources, and services, relating to*
13 *the provision of assistive technology devices and*
14 *assistive technology services, including entering*
15 *into interagency agreements;*

16 *“(B) to convene interagency work groups to*
17 *enhance public funding options and coordinate*
18 *access to funding for assistive technology devices*
19 *and assistive technology services for individuals*
20 *with disabilities of all ages, with special atten-*
21 *tion to the issues of transition (such as transi-*
22 *tion from school to work, and transition from*
23 *participation in programs under part H of the*
24 *Individuals with Disabilities Education Act (20*
25 *U.S.C. 1471 et seq.), to participation in pro-*

grams under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

“(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

“(3) *OUTREACH.*—The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and

1 *their family members, guardians, advocates, or au-*
2 *thorized representatives, to obtain funding for, and*
3 *access to, assistive technology devices and assistive*
4 *technology services.*

5 “(4) *EXPENSES.*—*The State may pay for ex-*
6 *penses, including travel expenses, and services, includ-*
7 *ing services of qualified interpreters, readers, and per-*
8 *sonal care assistants, that may be necessary to ensure*
9 *access to the comprehensive statewide program of tech-*
10 *nology-related assistance by individuals with disabil-*
11 *ities who are determined by the State to be in finan-*
12 *cial need.*

13 “(5) *STATEWIDE NEEDS ASSESSMENT.*—*The*
14 *State may conduct a statewide needs assessment that*
15 *may be based on data in existence on the date on*
16 *which the assessment is initiated and may include—*

17 “(A) *estimates of the numbers of individuals*
18 *with disabilities within the State, categorized by*
19 *residence, type and extent of disabilities, age,*
20 *race, gender, and ethnicity;*

21 “(B) *in the case of an assessment carried*
22 *out under a development grant, a description of*
23 *efforts, during the fiscal year preceding the first*
24 *fiscal year for which the State received such a*
25 *grant, to provide assistive technology devices and*

1 *assistive technology services to individuals with*
2 *disabilities within the State, including—*

3 “(i) *the number of individuals with*
4 *disabilities who received appropriate*
5 *assistive technology devices and assistive*
6 *technology services; and*

7 “(ii) *a description of the devices and*
8 *services provided;*

9 “(C) *information on the number of individ-*
10 *uals with disabilities who are in need of assistive*
11 *technology devices and assistive technology serv-*
12 *ices, and a description of the devices and services*
13 *needed;*

14 “(D) *information on the cost of providing*
15 *assistive technology devices and assistive tech-*
16 *nology services to all individuals with disabili-*
17 *ties within the State who need such devices and*
18 *services;*

19 “(E) *a description of State and local public*
20 *resources and private resources (including insur-*
21 *ance) that are available to establish a consumer-*
22 *responsive comprehensive statewide program of*
23 *technology-related assistance;*

24 “(F) *information identifying Federal and*
25 *State laws, regulations, policies, practices, proce-*

1 *dures, and organizational structures, that facili-*
2 *tate or interfere with the operation of a*
3 *consumer-responsive comprehensive statewide*
4 *program of technology-related assistance;*

5 *“(G) a description of the procurement poli-*
6 *cies of the State and the extent to which such*
7 *policies will ensure, to the extent practicable,*
8 *that assistive technology devices purchased,*
9 *leased, or otherwise acquired with assistance*
10 *made available through a grant made under sec-*
11 *tion 102 or 103 are compatible with other tech-*
12 *nology devices, including technology devices de-*
13 *signed primarily for use by—*

14 *“(i) individuals who are not individ-*
15 *uals with disabilities;*

16 *“(ii) individuals who are elderly; or*

17 *“(iii) individuals with particular dis-*
18 *abilities; and*

19 *“(H) information resulting from an inquiry*
20 *about whether a State agency or task force (com-*
21 *posed of individuals representing the State and*
22 *individuals representing the private sector)*
23 *should study the practices of private insurance*
24 *companies holding licenses within the State that*
25 *offer health or disability insurance policies under*

1 *which an individual may obtain reimbursement*
2 *for—*

3 “(i) *the purchase, lease, or other acqui-*
4 *sition of assistive technology devices; or*

5 “(ii) *the use of assistive technology*
6 *services.*

7 “(6) *PUBLIC AWARENESS PROGRAM.—*

8 “(A) *IN GENERAL.—The State may—*

9 “(i) *support a public awareness pro-*
10 *gram designed to provide information relat-*
11 *ing to the availability and efficacy of*
12 *assistive technology devices and assistive*
13 *technology services for—*

14 “(I) *individuals with disabilities*
15 *and their family members, guardians,*
16 *advocates, or authorized representa-*
17 *tives;*

18 “(II) *individuals who work for*
19 *public agencies, or for private entities*
20 *(including insurers), that have contact*
21 *with individuals with disabilities;*

22 “(III) *educators and related serv-*
23 *ices personnel;*

24 “(IV) *technology experts (includ-*
25 *ing engineers);*

1 “(V) employers; and

2 “(VI) other appropriate individ-
3 uals and entities; or

4 “(ii) establish and support such a pro-
5 gram if no such program exists.

6 “(B) CONTENTS.—Such a public awareness
7 program may include—

8 “(i) the development and dissemina-
9 tion of information relating to—

10 “(I) the nature of assistive tech-
11 nology devices and assistive technology
12 services;

13 “(II) the appropriateness, cost,
14 and availability of, and access to,
15 assistive technology devices and
16 assistive technology services; and

17 “(III) the efficacy of assistive
18 technology devices and assistive tech-
19 nology services with respect to enhanc-
20 ing the capacity of individuals with
21 disabilities;

22 “(ii) the development of procedures for
23 providing direct communication among
24 public providers of assistive technology de-
25 vices and assistive technology services and

1 *between public providers and private pro-*
2 *viders of such devices and services (includ-*
3 *ing employers); and*

4 “(iii) *the development and dissemina-*
5 *tion of information relating to the use of the*
6 *program by individuals with disabilities*
7 *and their family members, guardians, advo-*
8 *cates, or authorized representatives, profes-*
9 *sionals who work in a field related to an ac-*
10 *tivity described in this section, and other*
11 *appropriate individuals.*

12 “(7) *TRAINING AND TECHNICAL ASSISTANCE.—*
13 *The State may carry out directly, or may provide*
14 *support to a public or private entity to carry out,*
15 *training and technical assistance activities—*

16 “(A) *that—*

17 “(i) *are provided for individuals with*
18 *disabilities and their family members,*
19 *guardians, advocates, and authorized rep-*
20 *resentatives, and other appropriate individ-*
21 *uals; and*

22 “(ii) *may include—*

23 “(I) *training in the use of*
24 *assistive technology devices and*
25 *assistive technology services;*

1 “(II) the development of written
2 materials, training, and technical as-
3 sistance describing the means by which
4 agencies consider the needs of an indi-
5 vidual with a disability for assistive
6 technology devices and assistive tech-
7 nology services in developing, for the
8 individual, any individualized edu-
9 cation program described in section
10 614(a)(5) of the Individuals with Dis-
11 abilities Education Act (20 U.S.C.
12 1414(a)(5)), any individualized writ-
13 ten rehabilitation program described in
14 section 102 of the Rehabilitation Act of
15 1973 (29 U.S.C. 722), any individual-
16 ized family service plan described in
17 section 677 of the Individuals with
18 Disabilities Education Act (20 U.S.C.
19 1477), and any other individualized
20 plans or programs;

21 “(III) training regarding the
22 rights of the persons described in clause
23 (i) to assistive technology devices and
24 assistive technology services under any
25 law other than this Act, to promote

1 *fuller independence, productivity, and*
2 *inclusion in and integration into soci-*
3 *ety of such persons; and*

4 *“(IV) training to increase*
5 *consumer participation in the identi-*
6 *fication, planning, use, delivery, and*
7 *evaluation of assistive technology de-*
8 *vices and assistive technology services;*
9 *and*

10 *“(B) that—*

11 *“(i) enhance the assistive technology*
12 *skills and competencies of—*

13 *“(I) individuals who work for*
14 *public agencies, or for private entities*
15 *(including insurers), that have contact*
16 *with individuals with disabilities;*

17 *“(II) educators and related serv-*
18 *ices personnel;*

19 *“(III) technology experts (includ-*
20 *ing engineers);*

21 *“(IV) employers; and*

22 *“(V) other appropriate personnel;*
23 *and*

24 *“(ii) include taking actions to facili-*
25 *tate the development of standards, or, when*

1 *appropriate, the application of such stand-*
2 *ards, to ensure the availability of qualified*
3 *personnel.*

4 “(8) *PROGRAM DATA.*—*The State may support*
5 *the compilation and evaluation of appropriate data*
6 *related to a program described in subsection (a).*

7 “(9) *ACCESS TO TECHNOLOGY-RELATED INFOR-*
8 *MATION.*—

9 “(A) *IN GENERAL.*—*The State may develop,*
10 *operate, or expand a system for public access to*
11 *information concerning an activity carried out*
12 *under another paragraph of this subsection, in-*
13 *cluding information about assistive technology*
14 *devices and assistive technology services, funding*
15 *sources and costs of such assistance, and individ-*
16 *uals, organizations, and agencies capable of car-*
17 *rying out such an activity for individuals with*
18 *disabilities.*

19 “(B) *ACCESS.*—*Access to the system may be*
20 *provided through community-based entities, in-*
21 *cluding public libraries, centers for independent*
22 *living (as defined in section 702(1) of the Reha-*
23 *bilitation Act of 1973 (29 U.S.C. 796a(1))), and*
24 *community rehabilitation programs (as defined*

1 in section 7(25) of such Act (29 U.S.C.
2 706(25))).

3 “(C) *SYSTEM*.—In developing, operating, or
4 expanding a system described in subparagraph
5 (A), the State may—

6 “(i) develop, compile, and categorize
7 print, large print, braille, audio, and video
8 materials, computer disks, compact discs
9 (including compact discs formatted with
10 read-only memory), information that can be
11 used in telephone-based information sys-
12 tems, and such other media as technological
13 innovation may make appropriate;

14 “(ii) identify and classify existing
15 funding sources, and the conditions of and
16 criteria for access to such sources, including
17 any funding mechanisms or strategies devel-
18 oped by the State;

19 “(iii) identify existing support groups
20 and systems designed to help individuals
21 with disabilities make effective use of an ac-
22 tivity carried out under another paragraph
23 of this subsection; and

24 “(iv) maintain a record of the extent to
25 which citizens of the State use or make in-

1 *quiries of the system established in subpara-*
2 *graph (A), and of the nature of such inquir-*
3 *ies.*

4 *“(D) LINKAGES.—The information system*
5 *may be organized on an interstate basis or as*
6 *part of a regional consortium of States in order*
7 *to facilitate the establishment of compatible,*
8 *linked information systems.*

9 *“(10) INTERSTATE ACTIVITIES.—*

10 *“(A) IN GENERAL.—The State may enter*
11 *into cooperative agreements with other States to*
12 *expand the capacity of the States involved to as-*
13 *sist individuals with disabilities of all ages to*
14 *learn about, acquire, use, maintain, adapt, and*
15 *upgrade assistive technology devices and assistive*
16 *technology services that such individuals need at*
17 *home, at school, at work, or in other environ-*
18 *ments that are part of daily living.*

19 *“(B) ELECTRONIC COMMUNICATION.—The*
20 *State may operate or participate in a computer*
21 *system through which the State may electroni-*
22 *cally communicate with other States to gain*
23 *technical assistance in a timely fashion and to*
24 *avoid the duplication of efforts already under-*
25 *taken in other States.*

1 “(11) *PARTNERSHIPS AND COOPERATIVE INITIA-*
2 *TIVES.—The State may support the establishment or*
3 *continuation of partnerships and cooperative initia-*
4 *tives between the public sector and the private sector*
5 *to promote greater participation by business and in-*
6 *dustry in—*

7 “(A) *the development, demonstration, and*
8 *dissemination of assistive technology devices; and*

9 “(B) *the ongoing provision of information*
10 *about new products to assist individuals with*
11 *disabilities.*

12 “(12) *ADVOCACY SERVICES.—The State may pro-*
13 *vide advocacy services.*

14 “(13) *OTHER ACTIVITIES.—The State may uti-*
15 *lize amounts made available through grants made*
16 *under section 102 or 103 for any systems change and*
17 *advocacy activities, other than the activities described*
18 *in another paragraph of this subsection, that are nec-*
19 *essary for developing, implementing, or evaluating the*
20 *consumer-responsive comprehensive statewide pro-*
21 *gram of technology-related assistance.*

22 “(c) *NONSUPPLANTATION.—In carrying out systems*
23 *change and advocacy activities under this title, the State*
24 *shall ensure that the activities supplement, and not sup-*

1 *plant, similar activities that have been carried out pursu-*
 2 *ant to other Federal or State law.”.*

3 **SEC. 102. DEVELOPMENT GRANTS.**

4 *Section 102 (29 U.S.C. 2212) is amended—*

5 *(1) in subsection (a)—*

6 *(A) by striking “3-year grants” and insert-*
 7 *ing “3-year grants to support systems change*
 8 *and advocacy activities described in section*
 9 *101(b) (including activities described in sub-*
 10 *section (e)(7))”; and*

11 *(B) by striking “to develop and implement*
 12 *statewide programs” and inserting “in develop-*
 13 *ing and implementing consumer-responsive com-*
 14 *prehensive statewide programs”;*

15 *(2) by striking subsection (b);*

16 *(3) by redesignating subsections (c) and (d) as*
 17 *subsections (b) and (c), respectively;*

18 *(4) in subsection (b) (as redesignated in para-*
 19 *graph (3))—*

20 *(A) in paragraph (3)(C), by striking “state-*
 21 *wide program” and inserting “consumer-respon-*
 22 *sive comprehensive statewide program”; and*

23 *(B) in paragraph (5)—*

24 *(i) in subparagraph (A)—*

1 (I) by striking “(A)” and insert-
 2 ing “(A) STATE.—”;

3 (II) by inserting “United States”
 4 before “Virgin Islands”; and

5 (III) by striking “Trust Territory
 6 of the Pacific Islands” and inserting
 7 “Republic of Palau”; and

8 (ii) in subparagraph (B)—

9 (I) by striking “(B)” and insert-
 10 ing “(B) TERRITORY.—”;

11 (II) by inserting “United States”
 12 before “Virgin Islands”; and

13 (III) by striking “Trust Territory
 14 of the Pacific Islands” and inserting
 15 “Republic of Palau (until the Compact
 16 of Free Association takes effect)”;

17 (5) in paragraph (2) of subsection (c) (as redes-
 18 igned in paragraph (3)) by striking “statewide pro-
 19 grams” and inserting “consumer-responsive com-
 20 prehensive statewide programs”;

21 (6) by inserting after such subsection (c) the fol-
 22 lowing:

23 “(d) DESIGNATION OF THE LEAD AGENCY.—

24 “(1) DESIGNATION.—The Governor of any State
 25 that desires to receive a grant under this section shall

1 *designate the office, agency, entity, or individual (re-*
2 *ferred to in this Act as the ‘lead agency’) responsible*
3 *for—*

4 “(A) *submitting the application described*
5 *in subsection (e) on behalf of the State;*

6 “(B) *administering and supervising the use*
7 *of amounts made available under the grant;*

8 “(C)(i) *coordinating efforts related to, and*
9 *supervising the preparation of, the application;*

10 “(ii) *coordinating the planning, develop-*
11 *ment, implementation, and evaluation of the*
12 *consumer-responsive comprehensive statewide*
13 *program of technology-related assistance among*
14 *public agencies and between public agencies and*
15 *private agencies, including coordinating efforts*
16 *related to entering into interagency agreements;*
17 *and*

18 “(iii) *coordinating efforts related to, and*
19 *supervising, the active, timely, and meaningful*
20 *participation by individuals with disabilities*
21 *and their family members, guardians, advocates,*
22 *or authorized representatives, and other appro-*
23 *priate individuals, with respect to activities car-*
24 *ried out under the grant; and*

1 “(D) the delegation, in whole or in part, of
2 any responsibilities described in subparagraph
3 (A), (B), or (C) to one or more appropriate of-
4 fices, agencies, entities, or individuals.

5 “(2) QUALIFICATIONS.—In designating the lead
6 agency, the Governor may designate—

7 “(A) a commission appointed by the Gov-
8 ernor;

9 “(B) a public-private partnership or consor-
10 tium;

11 “(C) a university-affiliated program;

12 “(D) a public agency;

13 “(E) a council established under Federal or
14 State law; or

15 “(F) another appropriate office, agency, en-
16 tity, or individual.

17 “(3) ABILITIES OF LEAD AGENCY.—The State
18 shall provide, in accordance with subsection (e)(1),
19 evidence that the lead agency has the ability—

20 “(A) to respond to assistive technology needs
21 across disabilities and ages;

22 “(B) to promote the availability throughout
23 the State of assistive technology devices and
24 assistive technology services;

1 “(C) to promote and implement systems
2 change and advocacy activities;

3 “(D) to promote and develop public-private
4 partnerships;

5 “(E) to exercise leadership in identifying
6 and responding to the technology needs of indi-
7 viduals with disabilities and their family mem-
8 bers, guardians, advocates, and authorized rep-
9 resentatives;

10 “(F) to promote consumer confidence, re-
11 sponsiveness, and advocacy; and

12 “(G) to exercise leadership in implementing
13 effective strategies for capacity building, staff
14 and consumer training, and enhancement of ac-
15 cess to funding for assistive technology devices
16 and assistive technology services across agen-
17 cies.”;

18 (7) in subsection (e)—

19 (A) by striking paragraphs (1), (2), and (3)
20 and inserting the following:

21 “(1) DESIGNATION OF THE LEAD AGENCY.—In-
22 formation identifying the lead agency designated by
23 the Governor under subsection (d)(1), and the evi-
24 dence described in subsection (d)(3).

1 “(2) *AGENCY INVOLVEMENT*.—A description of
2 the nature and extent of involvement of various State
3 agencies, including the State insurance department,
4 in the preparation of the application and the con-
5 tinuing role of each agency in the development and
6 implementation of the consumer-responsive com-
7 prehensive statewide program of technology-related as-
8 sistance, including the identification of the available
9 resources and financial responsibility of each agency
10 for paying for assistive technology devices and
11 assistive technology services.

12 “(3) *INVOLVEMENT*.—

13 “(A) *CONSUMER INVOLVEMENT*.—A descrip-
14 tion of procedures that provide for—

15 “(i)(I) the active involvement of indi-
16 viduals with disabilities and their family
17 members, guardians, advocates, and author-
18 ized representatives, and other appropriate
19 individuals, in the development, implemen-
20 tation, and evaluation of the program; and

21 “(II) the active involvement, to the
22 maximum extent appropriate, of individ-
23 uals with disabilities who use assistive tech-
24 nology devices or assistive technology serv-

1 ices, in decisions relating to such devices
2 and services; and

3 “(ii) mechanisms for determining
4 consumer satisfaction and participation of
5 individuals with disabilities who represent
6 a variety of ages and types of disabilities,
7 in the consumer-responsive comprehensive
8 statewide program of technology-related as-
9 sistance.

10 “(B) *PUBLIC INVOLVEMENT*.—A description
11 of the nature and extent of—

12 “(i) the involvement, in the designa-
13 tion of the lead agency under subsection (d),
14 and in the development of the application,
15 of—

16 “(I) individuals with disabilities
17 and their family members, guardians,
18 advocates, or authorized representa-
19 tives;

20 “(II) other appropriate individ-
21 uals who are not employed by a State
22 agency; and

23 “(III) organizations, providers,
24 and interested parties, in the private
25 sector; and

1 “(ii) the continuing role of the individ-
2 uals and entities described in clause (i) in
3 the program.”;

4 (B) in paragraph (4), by striking “under-
5 served groups” and inserting “underrepresented
6 populations or rural populations”;

7 (C) in paragraphs (4) and (5), by striking
8 “statewide program” each place the term ap-
9 pears and inserting “consumer-responsive com-
10 prehensive statewide program”;

11 (D) by striking paragraphs (6), (7), and
12 (17);

13 (E) by redesignating paragraphs (8) and
14 (9) as paragraphs (17) and (18), respectively,
15 and transferring such paragraphs to the end of
16 the subsection;

17 (F) by inserting after paragraph (5) the fol-
18 lowing:

19 “(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUT-
20 COMES.—Information on the program with respect
21 to—

22 “(A) the goals and objectives of the State for
23 the program;

1 “(B) the systems change and advocacy ac-
2 tivities that the State plans to carry out under
3 the program; and

4 “(C) the expected outcomes of the State for
5 the program, consistent with the purposes de-
6 scribed in section 2(b)(1).

7 “(7) PRIORITY ACTIVITIES.—

8 “(A) IN GENERAL.—An assurance that the
9 State will use funds made available under this
10 section or section 103 to accomplish the purposes
11 described in section 2(b)(1) and the goals, objec-
12 tives, and outcomes described in paragraph (6),
13 and to carry out the systems change and advo-
14 cacy activities described in paragraph (6)(B), in
15 a manner that is consumer-responsive.

16 “(B) PARTICULAR ACTIVITIES.—An assur-
17 ance that the State, in carrying out such systems
18 change and advocacy activities, shall carry out
19 activities regarding—

20 “(i) the development, implementation,
21 and monitoring of State, regional, and local
22 laws, regulations, policies, practices, proce-
23 dures, and organizational structures, that
24 will improve access to, provision of, funding
25 for, and timely acquisition and delivery of,

1 *assistive technology devices and assistive*
2 *technology services;*

3 “(ii) the development and implementa-
4 *tion of strategies to overcome barriers re-*
5 *garding access to, provision of, and funding*
6 *for, such devices and services, with priority*
7 *for identification of barriers to funding*
8 *through State education (including special*
9 *education) services, vocational rehabilita-*
10 *tion services, and medical assistance serv-*
11 *ices or, as appropriate, other health and*
12 *human services, and with particular em-*
13 *phasis on overcoming barriers for*
14 *underrepresented populations and rural*
15 *populations;*

16 “(iii) coordination of activities among
17 *State agencies, in order to facilitate access*
18 *to, provision of, and funding for, assistive*
19 *technology devices and assistive technology*
20 *services;*

21 “(iv) the development and implementa-
22 *tion of strategies to empower individuals*
23 *with disabilities and their family members,*
24 *guardians, advocates, and authorized rep-*
25 *resentatives, to successfully advocate for in-*

1 *creased access to, funding for, and provision*
2 *of, assistive technology devices and assistive*
3 *technology services, and to increase the par-*
4 *ticipation, choice, and control of such indi-*
5 *viduals with disabilities and their family*
6 *members, guardians, advocates, and author-*
7 *ized representatives in the selection and*
8 *procurement of assistive technology devices*
9 *and assistive technology services;*

10 “(v) *the provision of outreach to*
11 *underrepresented populations and rural*
12 *populations, including identifying and as-*
13 *sessing the needs of such populations, pro-*
14 *viding activities to increase the accessibility*
15 *of services to such populations, training*
16 *representatives of such populations to be-*
17 *come service providers, and training staff of*
18 *the consumer-responsive comprehensive*
19 *statewide program of technology-related as-*
20 *sistance to work with such populations; and*

21 “(vi) *the development and implementa-*
22 *tion of strategies to ensure timely acquisi-*
23 *tion and delivery of assistive technology de-*
24 *vices and assistive technology services, par-*
25 *ticularly for children,*

1 *unless the State demonstrates through the*
2 *progress reports required under section 104 that*
3 *significant progress has been made in the devel-*
4 *opment and implementation of a consumer-re-*
5 *sponsive comprehensive statewide program of*
6 *technology-related assistance, and that other sys-*
7 *tems change and advocacy activities will in-*
8 *crease the likelihood that the program will ac-*
9 *complish the purposes described in section*
10 *2(b)(1).*

11 “(8) *ASSESSMENT.*—*An assurance that the State*
12 *will conduct an annual assessment of the consumer-*
13 *responsive comprehensive statewide program of tech-*
14 *nology-related assistance, in order to determine—*

15 “(A) *the extent to which the State’s goals*
16 *and objectives for systems change and advocacy*
17 *activities, as identified in the State plan under*
18 *paragraph (6), have been achieved; and*

19 “(B) *the areas of need that require attention*
20 *in the next year.*

21 “(9) *DATA COLLECTION.*—*A description of—*

22 “(A) *the data collection system used for*
23 *compiling information on the program, consist-*
24 *ent with such requirements as the Secretary may*
25 *establish for such systems, and, when a national*

1 *classification system is developed pursuant to*
2 *section 201, consistent with such classification*
3 *system; and*

4 *“(B) procedures that will be used to conduct*
5 *evaluations of the program.”;*

6 *(G) in paragraphs (11)(B)(i) and (12)(B)*
7 *by striking “individual with disabilities” and*
8 *inserting “individual with a disability”;*

9 *(H) in paragraph (16)(A), by striking “the*
10 *families or representatives of individuals with*
11 *disabilities” and inserting “their family mem-*
12 *bers, guardians, advocates, or authorized rep-*
13 *resentatives”;* and

14 *(I) by adding at the end the following:*

15 *“(19) AUTHORITY TO USE FUNDS.—An assur-*
16 *ance that the lead agency will have the authority to*
17 *use funds made available through a grant made under*
18 *this section or section 103 to comply with the require-*
19 *ments of this section or section 103, respectively, in-*
20 *cluding the ability to hire qualified staff necessary to*
21 *carry out activities under the program.*

22 *“(20) PROTECTION AND ADVOCACY SERVICES.—*
23 *Either—*

24 *“(A) an assurance that the State will annu-*
25 *ally provide, from the funds made available to*

1 the State through a grant made under this sec-
2 tion or section 103, an amount calculated in ac-
3 cordance with subsection (f)(4), in order to make
4 a grant to, or enter into a contract with, an en-
5 tity to support protection and advocacy services
6 through the systems established to provide protec-
7 tion and advocacy under the Developmental Dis-
8 abilities Assistance and Bill of Rights Act (42
9 U.S.C. 6000 et seq.), the Protection and Advo-
10 cacy for Mentally Ill Individuals Act (42 U.S.C.
11 10801 et seq.), and section 509 of the Rehabilita-
12 tion Act of 1973 (29 U.S.C. 794e); or

13 “(B) at the discretion of the State, a request
14 that the Secretary annually reserve, from the
15 funds made available to the State through a
16 grant made under this section or section 103, an
17 amount calculated in accordance with subsection
18 (f)(4), in order for the Secretary to make a grant
19 to or enter into a contract with such a system
20 to support protection and advocacy services.

21 “(21) TRAINING ACTIVITIES.—An assurance that
22 the State—

23 “(A) will develop and implement strategies
24 for including personnel training regarding
25 assistive technology within existing Federal- and

1 *State-funded training initiatives, in order to en-*
2 *hance assistive technology skills and com-*
3 *petencies; and*

4 “(B) will document such training.

5 “(22) *LIMIT ON INDIRECT COSTS.*—An assurance
6 *that the percentage of the funds received under the*
7 *grant that is used for indirect costs shall not exceed*
8 *10 percent.*

9 “(23) *COORDINATION WITH STATE COUNCILS.*—
10 *An assurance that the lead agency will coordinate the*
11 *activities funded through a grant made under this*
12 *section or section 103 with the activities carried out*
13 *by other councils within the State, including—*

14 “(A) any council or commission specified in
15 *the assurance provided by the State in accord-*
16 *ance with section 101(a)(36) of the Rehabilita-*
17 *tion Act of 1973 (29 U.S.C. 721(a)(36));*

18 “(B) the *Statewide Independent Living*
19 *Council established under section 705 of the Re-*
20 *habilitation Act of 1973 (29 U.S.C. 796d);*

21 “(C) the *advisory panel established under*
22 *section 613(a)(12) of the Individuals with Dis-*
23 *abilities Education Act (20 U.S.C. 1413(a)(12));*

24 “(D) the *State Interagency Coordinating*
25 *Council established under section 682 of the In-*

1 *dividuals with Disabilities Education Act (20*
2 *U.S.C. 1482);*

3 *“(E) the State Planning Council described*
4 *in section 124 of the Developmental Disabilities*
5 *Assistance and Bill of Rights Act (42 U.S.C.*
6 *6024);*

7 *“(F) the State mental health planning*
8 *council established under section 1914 of the*
9 *Public Health Service Act (42 U.S.C. 300x-3);*
10 *and*

11 *“(G) any council established under section*
12 *204, 206(g)(2)(A), or 712(a)(3)(H) of the Older*
13 *Americans Act of 1965 (42 U.S.C. 3015,*
14 *3017(g)(2)(A), or 3058g(a)(3)(H)).*

15 *“(24) COORDINATION WITH OTHER SYSTEMS*
16 *CHANGE AND ADVOCACY ACTIVITIES.—An assurance*
17 *that there will be coordination between the activities*
18 *funded through the grant and other related systems*
19 *change and advocacy activities funded by either Fed-*
20 *eral or State sources.*

21 *“(25) OTHER INFORMATION AND ASSURANCES.—*
22 *Such other information and assurances as the Sec-*
23 *retary may reasonably require.”; and*

24 *(8) by adding at the end the following:*

25 *“(f) PROTECTION AND ADVOCACY REQUIREMENTS.—*

1 “(1) *REQUIREMENTS.*—A State that, as of June
2 30, 1993, has provided for protection and advocacy
3 services through an entity that—

4 “(A) *is capable of performing the functions*
5 *that would otherwise be performed under sub-*
6 *section (e)(20) by the system described in sub-*
7 *section (e)(20); and*

8 “(B) *is not a system described in such sub-*
9 *section,*

10 *shall be considered to meet the requirements of such*
11 *subsection. Such entity shall receive funding to pro-*
12 *vide such protection and advocacy services in accord-*
13 *ance with paragraph (4), and shall comply with the*
14 *same requirements of this title (other than the re-*
15 *quirements of such subsection) as a system that re-*
16 *ceives funding under such subsection.*

17 “(2) *PROTECTION AND ADVOCACY SERVICE PRO-*
18 *VIDER REPORT.*—

19 “(A) *PREPARATION.*—A system that receives
20 funds under subsection (e)(20) to carry out the
21 protection and advocacy services described in
22 subsection (e)(20)(A) in a State, or an entity de-
23 scribed in paragraph (1) that carries out such
24 services in the State, shall prepare reports that

1 *contain such information as the Secretary may*
2 *require, including the following:*

3 “(i) *A description of the activities car-*
4 *ried out by the system or entity with such*
5 *funds.*

6 “(ii) *Documentation of significant*
7 *progress, in providing protection and advo-*
8 *cacy services, in each of the following areas:*

9 “(I) *Conducting activities that*
10 *are consumer-responsive, including ac-*
11 *tivities that will lead to increased ac-*
12 *cess to funding for assistive technology*
13 *devices and assistive technology serv-*
14 *ices.*

15 “(II) *Executing legal, administra-*
16 *tive, and other appropriate means of*
17 *representation to implement systems*
18 *change and advocacy activities.*

19 “(III) *Developing and implement-*
20 *ing strategies designed to enhance the*
21 *long-term abilities of individuals with*
22 *disabilities and their family members,*
23 *guardians, advocates, and authorized*
24 *representatives to successfully advocate*
25 *for assistive technology devices and*

1 *assistive technology services to which*
2 *the individuals with disabilities are*
3 *entitled under law other than this Act.*

4 “(IV) *Coordinating activities with*
5 *protection and advocacy services fund-*
6 *ed through sources other than this Act,*
7 *and coordinating activities with the*
8 *systems change and advocacy activities*
9 *carried out by the State lead agency.*

10 “(B) *SUBMISSION.—The system or entity*
11 *shall submit the reports to the program described*
12 *in subsection (a) in the State not less often than*
13 *every 6 months.*

14 “(C) *UPDATES.—The system or entity shall*
15 *provide monthly updates to the program de-*
16 *scribed in subsection (a) concerning the activities*
17 *and information described in subparagraph (A).*

18 “(3) *CONSULTATION WITH STATE PROGRAMS.—*
19 *Before making a grant or entering into a contract*
20 *under subsection (e)(20)(B) to support the protection*
21 *and advocacy services described in subsection*
22 *(e)(20)(A) in a State, the Secretary shall solicit and*
23 *consider the opinions of the lead agency in the State*
24 *with respect to the terms of the grant or contract.*

25 “(4) *CALCULATION OF EXPENDITURES.—*

1 “(A) *IN GENERAL.*—For each fiscal year,
2 for each State receiving a grant under this sec-
3 tion or section 103, the Secretary shall specify a
4 minimum amount that the State shall use to
5 provide protection and advocacy services.

6 “(B) *INITIAL YEARS OF GRANT.*—Except as
7 provided in subparagraph (C) or (D)—

8 “(i) the Secretary shall calculate such
9 minimum amount for a State based on the
10 size of the grant, the needs of individuals
11 with disabilities within the State, the popu-
12 lation of the State, and the geographic size
13 of the State; and

14 “(ii) such minimum amount shall be
15 not less than \$40,000 and not more than
16 \$100,000.

17 “(C) *FOURTH YEAR OF SECOND EXTENSION*
18 *GRANT.*—If a State receives a second extension
19 grant under section 103(a)(2), the Secretary
20 shall specify a minimum amount under sub-
21 paragraph (A) for the fourth year (if any) of the
22 grant period that shall equal 75 percent of the
23 minimum amount specified for the State under
24 such subparagraph for the third year of the sec-
25 ond extension grant of the State.

1 “(D) *FIFTH YEAR OF SECOND EXTENSION*
 2 *GRANT.*—If a State receives a second extension
 3 grant under section 103(a)(2), the Secretary
 4 shall specify a minimum amount under sub-
 5 paragraph (A) for the fifth year (if any) of the
 6 grant period that shall equal 50 percent of the
 7 minimum amount specified for the State under
 8 such subparagraph for the third year of the sec-
 9 ond extension grant of the State.

10 “(E) *PROHIBITION.*—After the fifth year (if
 11 any) of the grant period, no Federal funds may
 12 be made available under this title by the State
 13 to a system described in subsection (e)(20) or an
 14 entity described in paragraph (1).”.

15 **SEC. 103. EXTENSION GRANTS.**

16 Section 103 (29 U.S.C. 2213) is amended to read as
 17 follows:

18 **“SEC. 103. EXTENSION GRANTS.**

19 “(a) *EXTENSION GRANTS.*—

20 “(1) *INITIAL EXTENSION GRANT.*—The Secretary
 21 may award an initial extension grant, for a period
 22 of 2 years, to any State that meets the standards
 23 specified in subsection (b)(1).

24 “(2) *SECOND EXTENSION GRANT.*—The Secretary
 25 may award a second extension grant, for a period of

1 *not more than 5 years, to any State that meets the*
2 *standards specified in subsection (b)(2).*

3 “(b) *STANDARDS.*—

4 “(1) *INITIAL EXTENSION GRANT.*—*In order for a*
5 *State to receive an initial extension grant under this*
6 *section, the designated lead agency of the State*
7 *shall—*

8 “(A) *provide the evidence described in sec-*
9 *tion 102(d)(3); and*

10 “(B) *demonstrate that the State has made*
11 *significant progress, and has carried out systems*
12 *change and advocacy activities that have resulted*
13 *in significant progress, toward the development*
14 *and implementation of a consumer-responsive*
15 *comprehensive statewide program of technology-*
16 *related assistance, consistent with sections*
17 *2(b)(1), 101, and 102.*

18 “(2) *SECOND EXTENSION GRANT.*—

19 “(A) *RESPONSIBILITIES OF DESIGNATED*
20 *LEAD AGENCY.*—*In order for a State to receive a*
21 *second extension grant under this section, the*
22 *designated lead agency shall—*

23 “(i) *provide the evidence and make the*
24 *demonstration described in paragraph (1);*

1 “(ii) describe the steps the State has
2 taken or will take to continue on a perma-
3 nent basis the consumer-responsive com-
4 prehensive statewide program of technology-
5 related assistance with the ability to main-
6 tain, at a minimum, the outcomes achieved
7 by the systems change and advocacy activi-
8 ties; and

9 “(iii) identify future funding options
10 and commitments for the program from the
11 public and private sector and the key indi-
12 viduals, agencies, and organizations to be
13 involved in, and to direct future efforts of,
14 the program.

15 “(B) DETERMINATION OF COMPLIANCE.—In
16 making any award to a State for a second exten-
17 sion grant, the Secretary shall (except as pro-
18 vided in section 105(a)(2)(A)(iii)) make such
19 award contingent on a determination, based on
20 the onsite visit required under section
21 105(a)(2)(A)(ii), that the State is making sig-
22 nificant progress toward development and imple-
23 mentation of a consumer-responsive comprehen-
24 sive statewide program of technology-related as-
25 sistance. If the Secretary determines that the

1 *State is not making such progress, the Secretary*
2 *may take an action described in section*
3 *105(b)(2), in accordance with the applicable pro-*
4 *cedures described in section 105.*

5 “(c) AMOUNTS OF GRANTS.—

6 “(1) INITIAL EXTENSION GRANTS.—

7 “(A) IN GENERAL.—

8 “(i) STATES.—*From amounts appro-*
9 *propriated under section 106 for any fiscal*
10 *year, the Secretary shall pay an amount*
11 *that is not less than \$500,000 and not*
12 *greater than \$1,500,000 to each State (other*
13 *than a State described in clause (ii)) that*
14 *receives an initial extension grant under*
15 *subsection (a)(1).*

16 “(ii) TERRITORIES.—*From amounts*
17 *appropriated under section 106 for any fis-*
18 *cal year, the Secretary shall pay an amount*
19 *that is not greater than \$150,000 to any of*
20 *the following States that receives an initial*
21 *extension grant under subsection (a)(1):*

22 “(I) *The United States Virgin Is-*
23 *lands.*

24 “(II) *Guam.*

25 “(III) *American Samoa.*

1 “(IV) *The Commonwealth of the*
2 *Northern Mariana Islands.*

3 “(V) *The Republic of Palau (until*
4 *the Compact of Free Association takes*
5 *effect).*

6 “(B) *CALCULATION OF AMOUNT.—The Sec-*
7 *retary shall calculate the amount described in*
8 *clause (i) or (ii) of subparagraph (A) with re-*
9 *spect to a State on the basis of—*

10 “(i) *amounts available for making*
11 *grants pursuant to subsection (a)(1);*

12 “(ii) *the population of the State;*

13 “(iii) *the types of assistance to be pro-*
14 *vided in the State; and*

15 “(iv) *the amount of resources commit-*
16 *ted by the State and available to the State*
17 *from other sources.*

18 “(C) *PRIORITY FOR PREVIOUSLY PARTICI-*
19 *PATING STATES.—Amounts appropriated in any*
20 *fiscal year for purposes of carrying out sub-*
21 *section (a)(1) shall first be made available to*
22 *States that received assistance under this section*
23 *during the fiscal year preceding the fiscal year*
24 *concerned.*

1 “(D) *INCREASES*.—In providing any in-
2 creases in initial extension grants under sub-
3 section (a)(1) above the amounts provided to
4 States under this section for fiscal year 1993, the
5 Secretary may give priority to—

6 “(i) the States (other than the States
7 described in subparagraph (A)(ii)) that
8 have the largest populations, based on the
9 most recent census data; and

10 “(ii) the States (other than the States
11 described in subparagraph (A)(ii)) that are
12 sparsely populated, with a wide geographic
13 spread,

14 where such characteristics have impeded the de-
15 velopment of a consumer-responsive, comprehen-
16 sive statewide program of technology-related as-
17 sistance.

18 “(2) *SECOND EXTENSION GRANTS*.—

19 “(A) *AMOUNTS AND PRIORITY*.—The
20 amounts of, and the priority of applicants for,
21 the second extension grants awarded under sub-
22 section (a)(2) shall be determined by the Sec-
23 retary, except that—

24 “(i) the amount paid to a State for the
25 fourth year (if any) of the grant period

1 *shall be 75 percent of the amount paid to*
2 *the State for the third year of the grant pe-*
3 *riod;*

4 “(ii) *the amount paid to a State for*
5 *the fifth year (if any) of the grant period*
6 *shall be 50 percent of the amount paid to*
7 *the State for the third year of the grant pe-*
8 *riod; and*

9 “(iii) *after the fifth year of the grant*
10 *period, no Federal funds may be made*
11 *available to the State under this title.*

12 “(B) *INCREASES.—In providing any in-*
13 *creases in second extension grants under sub-*
14 *section (a)(2) above the amounts provided to*
15 *States under this section for fiscal year 1993, the*
16 *Secretary may give priority to States described*
17 *in paragraph (1)(D).*

18 “(d) *APPLICATION.—A State that desires to receive an*
19 *extension grant under this section shall submit an applica-*
20 *tion to the Secretary that contains the following informa-*
21 *tion and assurances with respect to the consumer-responsive*
22 *comprehensive statewide program of technology-related as-*
23 *sistance in the State:*

24 “(1) *INFORMATION AND ASSURANCES.—The in-*
25 *formation and assurances described in section 102(e),*

1 *except the preliminary needs assessment described in*
2 *section 102(e)(4).*

3 “(2) *NEEDS; PROBLEMS; STRATEGIES; OUT-*
4 *REACH.—*

5 “(A) *NEEDS.—A description of needs relat-*
6 *ing to technology-related assistance of individ-*
7 *uals with disabilities (including individuals*
8 *from underrepresented populations or rural pop-*
9 *ulations) and their family members, guardians,*
10 *advocates, or authorized representatives, and*
11 *other appropriate individuals within the State.*

12 “(B) *PROBLEMS.—A description of any*
13 *problems or gaps that remain with the develop-*
14 *ment and implementation of a consumer-respon-*
15 *sive comprehensive statewide program of tech-*
16 *nology-related assistance in the State.*

17 “(C) *STRATEGIES.—A description of the*
18 *strategies that the State will pursue during the*
19 *grant period to remedy the problems or gaps*
20 *with the development and implementation of*
21 *such a program.*

22 “(D) *OUTREACH ACTIVITIES.—A descrip-*
23 *tion of outreach activities to be conducted by the*
24 *State, including dissemination of information to*
25 *eligible populations, with special attention to*

1 *underrepresented populations and rural popu-*
2 *lations.*

3 “(3) *ACTIVITIES AND PROGRESS UNDER PRE-*
4 *VIOUS GRANT.—A description of—*

5 “(A) *the specific systems change and advo-*
6 *cacy activities described in section 101(b) (in-*
7 *cluding the activities described in section*
8 *1012(e)(7)) carried out under the development*
9 *grant received by the State under section 102, or,*
10 *in the case of an application for a grant under*
11 *subsection (a)(2), under an initial extension*
12 *grant received by the State under this section,*
13 *including—*

14 “(i) *a description of systems change*
15 *and advocacy activities that were under-*
16 *taken to produce change on a permanent*
17 *basis for individuals with disabilities of all*
18 *ages;*

19 “(ii) *a description of activities under-*
20 *taken to improve the involvement of indi-*
21 *viduals with disabilities in the program, in-*
22 *cluding training and technical assistance*
23 *efforts to improve individual access to*
24 *assistive technology devices and assistive*
25 *technology services as mandated under other*

1 *laws and regulations as in effect on the date*
2 *of the application, and including actions*
3 *undertaken to improve the participation of*
4 *underrepresented populations and rural*
5 *populations, such as outreach efforts; and*

6 *“(iii) an evaluation of the impact and*
7 *results of the activities described in clauses*
8 *(i) and (ii);*

9 *“(B) the relationship of such systems change*
10 *and advocacy activities to the development and*
11 *implementation of a consumer-responsive com-*
12 *prehensive statewide program of technology-relat-*
13 *ed assistance; and*

14 *“(C) the progress made toward the develop-*
15 *ment and implementation of such a program.*

16 *“(4) PUBLIC INVOLVEMENT.—*

17 *“(A) REPORT.—In the case of an applica-*
18 *tion for a grant under subsection (a)(1), a report*
19 *on the hearing described in subsection (e)(1) or,*
20 *in the case of an application for a grant under*
21 *subsection (a)(2), a report on the hearing de-*
22 *scribed in subsection (e)(2).*

23 *“(B) OTHER STATE ACTIONS.—A descrip-*
24 *tion of State actions, other than such a hearing,*
25 *designed to determine the degree of satisfaction of*

1 *individuals with disabilities, and their family*
2 *members, guardians, advocates, or authorized*
3 *representatives, public service providers and pri-*
4 *ivate service providers, educators and related*
5 *services providers, technology experts (including*
6 *engineers), employers, and other appropriate in-*
7 *dividuals and entities with—*

8 *“(i) the degree of their ongoing involve-*
9 *ment in the development and implementa-*
10 *tion of the consumer-responsive comprehen-*
11 *sive statewide program of technology-related*
12 *assistance;*

13 *“(ii) the specific systems change and*
14 *advocacy activities described in section*
15 *101(b) (including the activities described in*
16 *section 102(e)(7)) carried out by the State*
17 *under the development grant or the initial*
18 *extension grant;*

19 *“(iii) progress made toward the devel-*
20 *opment and implementation of a consumer-*
21 *responsive comprehensive statewide program*
22 *of technology-related assistance; and*

23 *“(iv) the ability of the lead agency to*
24 *carry out the activities described in section*
25 *102(d)(3).*

1 “(5) *COMMENTS.*—A summary of any comments
2 received concerning the issues described in paragraph
3 (4) and response of the State to such comments, solic-
4 ited through a public hearing referred to in para-
5 graph (4) or through other means, from individuals
6 affected by the consumer-responsive comprehensive
7 statewide program of technology-related assistance,
8 including—

9 “(A) *individuals with disabilities and their*
10 *family members, guardians, advocates, or au-*
11 *thorized representatives;*

12 “(B) *public service providers and private*
13 *service providers;*

14 “(C) *educators and related services person-*
15 *nel;*

16 “(D) *technology experts (including engi-*
17 *neers);*

18 “(E) *employers; and*

19 “(F) *other appropriate individuals and en-*
20 *tities.*

21 “(6) *COMPATIBILITY AND ACCESSIBILITY OF*
22 *ELECTRONIC EQUIPMENT.*—An assurance that the
23 State, or any recipient of funds made available to the
24 State under section 102 of this section, will comply

1 with guidelines established under section 508 of the
2 Rehabilitation Act of 1973 (29 U.S.C. 794d).

3 “(e) *PUBLIC HEARING.*—

4 “(1) *INITIAL EXTENSION GRANT.*—To be eligible
5 to receive a grant under subsection (a)(1), a State
6 shall hold a public hearing in the third year of a pro-
7 gram carried out under a grant made under section
8 102, after providing appropriate and sufficient notice
9 to allow interested groups and organizations and all
10 segments of the public an opportunity to comment on
11 the program.

12 “(2) *SECOND EXTENSION GRANT.*—To be eligible
13 to receive a grant under subsection (a)(2), a State
14 shall hold a public hearing in the second year of a
15 program carried out under a grant made under sub-
16 section (a)(1), after providing the notice described in
17 paragraph (1).”.

18 **SEC. 104. PROGRESS CRITERIA AND REPORTS.**

19 Section 104 (29 U.S.C. 2214) is amended to read as
20 follows:

21 **“SEC. 104. PROGRESS CRITERIA AND REPORTS.**

22 “(a) *GUIDELINES.*—The Secretary shall develop guide-
23 lines to be used in assessing the extent to which a State
24 that received a grant under section 102 or 103 is making
25 significant progress in developing and implementing a

1 *consumer-responsive comprehensive statewide program of*
2 *technology-related assistance consistent with section 2(b)(1).*

3 “(b) *REPORTS.*—*Each State that receives a grant*
4 *under section 102 or 103 to carry out such a program shall*
5 *submit annually to the Secretary a report that documents*
6 *significant progress in developing and implementing a*
7 *consumer-responsive comprehensive statewide program of*
8 *technology-related assistance, consistent with sections*
9 *2(b)(1), 101, and 102(e), and that documents the following:*

10 “(1) *The progress the State has made, as deter-*
11 *mined in the State’s annual assessment described in*
12 *section 102(e)(8) (consistent with the guidelines estab-*
13 *lished by the Secretary under subsection (a)), in*
14 *achieving the State’s goals, objectives, and outcomes*
15 *as identified in the State’s application as described in*
16 *section 102(e)(6), and areas of need that require at-*
17 *tention in the next year, including unanticipated*
18 *problems with the achievement of the goals, objectives,*
19 *and outcomes described in the application, and the*
20 *activities the State has undertaken to rectify these*
21 *problems.*

22 “(2) *The systems change and advocacy activities*
23 *carried out by the State including—*

24 “(A) *an analysis of the laws, regulations,*
25 *policies, practices, procedures, and organiza-*

1 *tional structures that the State has changed, has*
2 *attempted to change, or will attempt to change*
3 *during the next year, to facilitate and increase*
4 *timely access to, provision of, or funding for,*
5 *assistive technology devices and assistive tech-*
6 *nology services; and*

7 *“(B) a description of any written policies*
8 *and procedures that the State has developed and*
9 *implemented regarding access to, provision of,*
10 *and funding for, assistive technology devices and*
11 *assistive technology services, particularly policies*
12 *and procedures regarding access to, provision of,*
13 *and funding for, such devices and services under*
14 *education (including special education), voca-*
15 *tional rehabilitation, and medical assistance*
16 *programs.*

17 *“(3) The degree of involvement of various State*
18 *agencies, including the State insurance department,*
19 *in the development, implementation, and evaluation*
20 *of the program, including any interagency agreements*
21 *that the State has developed and implemented regard-*
22 *ing access to, provision of, and funding for, assistive*
23 *technology devices and assistive technology services*
24 *such as agreements that identify available resources*
25 *for assistive technology devices and assistive tech-*

1 *nology services and the responsibility of each agency*
2 *for paying for such devices and services.*

3 *“(4) The activities undertaken to collect and dis-*
4 *seminate information about the documents or activi-*
5 *ties analyzed or described in paragraphs (1) through*
6 *(3), including outreach activities to underrepresented*
7 *populations and rural populations and efforts to dis-*
8 *seminate information by means of electronic commu-*
9 *nication.*

10 *“(5) The involvement of individuals with disabili-*
11 *ties who represent a variety of ages and types of dis-*
12 *abilities in the planning, development, implementa-*
13 *tion, and assessment of the consumer-responsive com-*
14 *prehensive statewide program of technology-related as-*
15 *sistance, including activities undertaken to improve*
16 *such involvement, such as consumer training and out-*
17 *reach activities to underrepresented populations and*
18 *rural populations.*

19 *“(6) The degree of consumer satisfaction with the*
20 *program, including satisfaction by underrepresented*
21 *populations and rural populations.*

22 *“(7) Efforts to train personnel as well as con-*
23 *sumers.*

1 “(8) *Efforts to reduce the service delivery time*
 2 *for receiving assistive technology devices and assistive*
 3 *technology services.*

4 “(9) *Significant progress in the provision of pro-*
 5 *tection and advocacy services, in each of the areas de-*
 6 *scribed in section 102(f)(2)(A)(ii).’.*

7 **SEC. 105. ADMINISTRATIVE PROVISIONS.**

8 (a) *REVIEW OF PARTICIPATING STATES.*—Section
 9 105(a) (29 U.S.C. 2215(a)) is amended—

10 (1) *in paragraph (1), by inserting before the pe-*
 11 *riod the following: “, consistent with the guidelines es-*
 12 *tablished under section 104(a)”;*

13 (2) *by striking paragraph (2) and inserting the*
 14 *following:*

15 “(2) *ONSITE VISITS.*—

16 “(A) *VISITS.*—

17 “(i) *DEVELOPMENT GRANT PRO-*
 18 *GRAM.*—*The Secretary shall conduct an on-*
 19 *site visit during the final year of each*
 20 *State’s participation in the development*
 21 *grant program.*

22 “(ii) *EXTENSION GRANT PROGRAM.*—
 23 *Except as provided in clause (iii), the Sec-*
 24 *retary shall conduct an additional onsite*
 25 *visit to any State that applies for a second*

1 *extension grant under section 103(a)(2) and*
2 *whose initial onsite visit occurred prior to*
3 *the date of the enactment of the Technology-*
4 *Related Assistance for Individuals With*
5 *Disabilities Act Amendments of 1994. The*
6 *Secretary shall conduct any such visit to the*
7 *State not later than 12 months after the*
8 *date on which the Secretary awards the sec-*
9 *ond extension grant.*

10 “(iii) *DETERMINATION.—The Sec-*
11 *retary shall not be required to conduct a*
12 *visit described in clause (ii) if the Secretary*
13 *determines that the visit is not necessary to*
14 *assess whether the State is making signifi-*
15 *cant progress toward development and im-*
16 *plementation of a consumer-responsive com-*
17 *prehensive statewide program of technology-*
18 *related assistance.*

19 “(B) *TEAM.—Two-thirds of the onsite mon-*
20 *itoring team in each case shall be qualified peer*
21 *reviewers, who—*

22 “(i) *shall not be lead agency personnel;*

23 “(ii) *shall be from States other than*
24 *the State being monitored; and*

1 “(iii) shall include an individual with
2 a disability, or a family member, a guard-
3 ian, an advocate, or an authorized rep-
4 resentative of such an individual.

5 “(C) COMPENSATION.—

6 “(i) OFFICERS OR EMPLOYEES.—Mem-
7 bers of any onsite monitoring team who are
8 officers or full-time employees of the United
9 States shall serve without compensation in
10 addition to that received for their services
11 as officers or employees of the United
12 States, but may be allowed travel expenses,
13 including per diem in lieu of subsistence, as
14 authorized by section 5702 of title 5, United
15 States Code, for individuals in the Govern-
16 ment service traveling on official business.

17 “(ii) OTHER MEMBERS.—Members of
18 any onsite monitoring team who are not of-
19 ficers or full-time employees of the United
20 States shall receive compensation at a rate
21 not to exceed the daily equivalent of the rate
22 of pay for level IV of the Executive Schedule
23 under section 5315 of title 5, United States
24 Code, for each day (including traveltime)
25 during which such members are engaged in

1 *the actual performance of their duties as*
2 *members of an onsite monitoring team. In*
3 *addition, such members may be allowed*
4 *travel expenses, including per diem in lieu*
5 *of subsistence, as authorized by section 5703*
6 *of title 5, United States Code, for individ-*
7 *uals in the Government service employed*
8 *intermittently.*

9 “(D) *REPORT.*—*The Secretary shall prepare*
10 *a report of findings from the onsite visit. The*
11 *Secretary shall consider the findings in deter-*
12 *mining whether to continue funding the program*
13 *either with or without changes. The report shall*
14 *be available to the public.”;*

15 (3) *by redesignating paragraphs (3) and (4) as*
16 *paragraphs (4) and (5), respectively;*

17 (4) *by inserting after paragraph (2) the follow-*
18 *ing:*

19 “(3) *ADVANCE PUBLIC NOTICE.*—*The Secretary*
20 *shall provide advance public notice of the onsite visit*
21 *and solicit public comment through such notice from*
22 *individuals with disabilities and their family mem-*
23 *bers, guardians, advocates, and authorized representa-*
24 *tives, public service providers and private service pro-*
25 *viders, educators and related services personnel, tech-*

1 *nology experts (including engineers), employers, and*
 2 *other appropriate individuals and entities, regarding*
 3 *the State program funded through a grant made*
 4 *under section 102 or 103. The public comment solici-*
 5 *tation notice shall be included in the onsite visit re-*
 6 *port described in paragraph (2).”; and*

7 *(5) in paragraph (4) (as redesignated in para-*
 8 *graph (3)) by striking “statewide program” and in-*
 9 *serting “consumer-responsive comprehensive statewide*
 10 *program”.*

11 *(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29*
 12 *U.S.C. 2215(b)) is amended—*

13 *(1) in paragraph (2)—*

14 *(A) in the heading, by striking “PEN-*
 15 *ALTIES” and inserting “CORRECTIVE ACTIONS”;*

16 *(B) in the matter preceding subparagraph*
 17 *(A), by striking “penalties” and inserting “cor-*
 18 *rective actions”;*

19 *(C) by striking “or” at the end of subpara-*
 20 *graph (B);*

21 *(D) by striking the period at the end of sub-*
 22 *paragraph (C) and inserting “; or”; and*

23 *(E) by adding at the end the following:*

24 *“(D) required redesignation of the lead*
 25 *agency, in accordance with subsection (c).”; and*

1 (2) in paragraph (3), by striking “subsection
2 (a)(4)” and inserting “subsection (a)(5)”.

3 (c) *REDESIGNATION*.—Section 105 (29 U.S.C. 2215) is
4 amended—

5 (1) by striking subsection (c); and

6 (2) by adding at the end the following:

7 “(c) *REDESIGNATION OF LEAD AGENCY*.—

8 “(1) *MONITORING PANEL*.—

9 “(A) *APPOINTMENT*.—Once a State becomes
10 subject to a corrective action plan pursuant to
11 subsection (b), the Governor of the State, subject
12 to approval by the Secretary, shall appoint,
13 within 30 days after the submission of the plan
14 to the Secretary, a monitoring panel consisting
15 of the following representatives:

16 “(i) The head of the lead agency des-
17 ignated by the Governor.

18 “(ii) 2 representatives from different
19 public or private nonprofit organizations
20 that represent the interests of individuals
21 with disabilities.

22 “(iii) 2 consumers who are users of
23 assistive technology devices and assistive
24 technology services and who are not—

1 “(I) members of the advisory
2 council, if any, of the consumer-respon-
3 sive comprehensive statewide program
4 of technology-related assistance; or

5 “(II) employees of the State lead
6 agency.

7 “(iv) 2 service providers with knowl-
8 edge and expertise in assistive technology
9 devices and assistive technology services.

10 “(B) MEMBERSHIP AND CHAIRPERSON.—
11 The monitoring panel shall be ethnically diverse.
12 The panel shall select a chairperson from among
13 the members of the panel.

14 “(C) INFORMATION.—The panel shall re-
15 ceive periodic reports from the State regarding
16 progress in implementing the corrective action
17 plan and shall have the authority to request ad-
18 ditional information necessary to determine com-
19 pliance.

20 “(D) MEETINGS.—The meetings of the
21 panel to determine compliance shall be open to
22 the public (subject to confidentiality concerns)
23 and held at locations that are accessible to indi-
24 viduals with disabilities.

1 “(E) *PERIOD.*—The panel shall carry out
2 the duties of the panel for the entire period of the
3 corrective action plan, as determined by the Sec-
4 retary.

5 “(F) *FUNDING.*—The panel shall be funded
6 by a portion of the funds received by the State
7 under this title, as directed by the Secretary.

8 “(2) *FAILURE TO APPOINT MONITORING*
9 *PANEL.*—A failure by a Governor of a State to com-
10 ply with the requirements of paragraph (1) shall re-
11 sult in the termination of funding for the State under
12 this title.

13 “(3) *DETERMINATION.*—

14 “(A) *PANEL.*—Based on its findings, a
15 monitoring panel may determine that a lead
16 agency designated by a Governor has not accom-
17 plished the purposes described in section 2(b)(1)
18 and that there is good cause for redesignation of
19 the agency and the temporary loss of funds by
20 the State under this title.

21 “(B) *GOOD CAUSE.*—In this paragraph, the
22 term ‘good cause’ includes—

23 “(i) lack of progress with employment
24 of qualified staff;

1 “(ii) lack of consumer-responsive ac-
2 tivities;

3 “(iii) lack of resource allocation to sys-
4 tems change and advocacy activities;

5 “(iv) lack of progress with meeting the
6 assurances in section 102(e); or

7 “(v) inadequate fiscal management.

8 “(C) RECOMMENDATION AND ACTION.—If a
9 monitoring panel makes such a determination,
10 the panel shall recommend to the Secretary that
11 further remedial action be taken or that the Sec-
12 retary order the Governor to redesignate the lead
13 agency within 90 days or lose funds under this
14 title. The Secretary, based on the findings and
15 recommendations of the monitoring panel, and
16 after providing to the public notice and an op-
17 portunity for comment, shall make a final deter-
18 mination regarding whether to order the Gov-
19 ernor to redesignate the lead agency. The Gov-
20 ernor shall make any such redesignation in ac-
21 cordance with the requirements that apply to
22 designations under section 102(d).

23 “(d) CHANGE OF PROTECTION AND ADVOCACY SERV-
24 ICES PROVIDER.—

1 “(1) *DETERMINATION.*—*The Governor of a State,*
2 *based on input from individuals with disabilities and*
3 *their family members, guardians, advocates, or au-*
4 *thorized representatives, may determine that the en-*
5 *tity providing protection and advocacy services re-*
6 *quired by section 102(e)(20) (referred to in this sub-*
7 *section as the ‘first entity’) has not met the protection*
8 *and advocacy service needs of the individuals with*
9 *disabilities and their family members, guardians, ad-*
10 *vocates, or authorized representatives, for securing*
11 *funding for and access to assistive technology devices*
12 *and assistive technology services, and that there is*
13 *good cause to provide the protection and advocacy*
14 *services for the State through a contract with a second*
15 *entity.*

16 “(2) *NOTICE AND OPPORTUNITY TO BE HEARD.*—
17 *On making such a determination, the Governor may*
18 *not enter into a contract with a second entity to pro-*
19 *vide the protection and advocacy services unless good*
20 *cause exists and unless—*

21 “(A) *the Governor has given the first entity*
22 *30 days notice of the intention to enter into such*
23 *contract, including specification of the good*
24 *cause, and an opportunity to respond to the as-*
25 *sertion that good cause has been shown;*

1 “(B) *individuals with disabilities and their*
2 *family members, guardians, advocates, or au-*
3 *thorized representatives, have timely notice of the*
4 *determination and opportunity for public com-*
5 *ment; and*

6 “(C) *the first entity has the opportunity to*
7 *appeal the determination to the Secretary within*
8 *30 days of the determination on the basis that*
9 *there is not good cause to enter into the contract.*

10 “(3) *REDESIGNATION.—*

11 “(A) *IN GENERAL.—When the Governor of a*
12 *State determines that there is good cause to enter*
13 *into a contract with a second entity to provide*
14 *the protection and advocacy services, the Gov-*
15 *ernor shall hold an open competition within the*
16 *State and issue a request for proposals by enti-*
17 *ties desiring to provide the services.*

18 “(B) *TIMING.—The Governor shall not issue*
19 *such request until the first entity has been given*
20 *notice and an opportunity to respond. If the first*
21 *entity appeals the determination to the Secretary*
22 *in accordance with paragraph (2)(C), the Gov-*
23 *ernor shall issue such request only if the Sec-*
24 *retary decides not to overturn the determination*
25 *of the Governor. The Governor shall issue such*

1 *request within 30 days after the end of the pe-*
2 *riod during which the first entity has the oppor-*
3 *tunity to respond, or after the decision of the*
4 *Secretary, as appropriate.*

5 *“(C) PROCEDURE.—Such competition shall*
6 *be open to entities with the same expertise and*
7 *ability to provide legal services as a system re-*
8 *ferred to in section 102(e)(20). The competition*
9 *shall ensure public involvement, including a*
10 *public hearing and adequate opportunity for*
11 *public comment.*

12 *“(e) ANNUAL REPORT.—*

13 *“(1) IN GENERAL.—Not later than December 31*
14 *of each year, the Secretary shall prepare, and submit*
15 *to the President and to the Congress, a report on Fed-*
16 *eral initiatives, including the initiatives funded*
17 *under this Act, to improve the access of individuals*
18 *with disabilities to assistive technology devices and*
19 *assistive technology services.*

20 *“(2) CONTENTS.—Such report shall include in-*
21 *formation on—*

22 *“(A) the demonstrated successes of such Fed-*
23 *eral initiatives at the Federal and State levels in*
24 *improving interagency coordination, streamlin-*
25 *ing access to funding for assistive technology,*

1 *and producing beneficial outcomes for users of*
2 *assistive technology;*

3 *“(B) the demonstration activities carried*
4 *out through the Federal initiatives to—*

5 *“(i) promote access to such funding in*
6 *public programs that were in existence on*
7 *the date of the initiation of the demonstra-*
8 *tion activities; and*

9 *“(ii) establish additional options for*
10 *obtaining such funding;*

11 *“(C) the education and training activities*
12 *carried out through the Federal initiatives to*
13 *promote such access in public programs and the*
14 *health care system and the efforts carried out*
15 *through such activities to train professionals in*
16 *a variety of relevant disciplines, and increase the*
17 *competencies of the professionals with respect to*
18 *technology-related assistance;*

19 *“(D) the education and training activities*
20 *carried out through the Federal initiatives to*
21 *train individuals with disabilities and their*
22 *family members, guardians, advocates, or au-*
23 *thorized representatives, individuals who work*
24 *for public agencies, or for private entities (in-*
25 *cluding insurers), that have contact with indi-*

1 *viduals with disabilities, educators and related*
2 *services personnel, technology experts (including*
3 *engineers), employers, and other appropriate in-*
4 *dividuals, about technology-related assistance;*

5 *“(E) the education and training activities*
6 *carried out through Federal initiatives to pro-*
7 *mote awareness of available funding in public*
8 *programs;*

9 *“(F) the research activities carried out*
10 *through the Federal initiatives to improve under-*
11 *standing of the costs and benefits of access to*
12 *assistive technology for individuals with disabil-*
13 *ities who represent a variety of ages and types*
14 *of disabilities;*

15 *“(G) the program outreach activities to*
16 *rural and inner-city areas that are carried out*
17 *through the Federal initiatives;*

18 *“(H) the activities carried out through the*
19 *Federal initiatives that are targeted to reach*
20 *underrepresented populations and rural popu-*
21 *lations; and*

22 *“(I) the consumer involvement activities in*
23 *the programs carried out under this Act.*

24 *“(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY*
25 *DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As*

1 *soon as practicable, the Secretary shall include in the*
 2 *annual report required by this subsection information*
 3 *on the availability of assistive technology devices and*
 4 *assistive technology services. When a national classi-*
 5 *fication system for assistive technology devices and*
 6 *assistive technology services is developed pursuant to*
 7 *section 201, the Secretary shall report such informa-*
 8 *tion in a manner consistent with such national clas-*
 9 *sification system.*

10 “(f) *INTERAGENCY DISABILITY COORDINATING COUN-*
 11 *CIL.—*

12 “(1) *CONTENTS.—On or before October 1, 1995,*
 13 *the Interagency Disability Coordinating Council es-*
 14 *tablished under section 507 of the Rehabilitation Act*
 15 *of 1973 (29 U.S.C. 794c) shall prepare and submit to*
 16 *the President and to the Congress a report contain-*
 17 *ing—*

18 “(A) *the response of the Interagency Dis-*
 19 *ability Coordinating Council to—*

20 “(i) *the findings of the National Coun-*
 21 *cil on Disability resulting from the study*
 22 *entitled ‘Study on the Financing of*
 23 *Assistive Technology Devices and Services*
 24 *for Individuals with Disabilities’, carried*
 25 *out in accordance with section 201 of this*

1 Act, as in effect on the day before the date
2 of the enactment of this subsection; and

3 “(ii) the recommendations of the Na-
4 tional Council on Disability for legislative
5 and administrative change, resulting from
6 such study; and

7 “(B) information on any other activities of
8 the Interagency Disability Coordinating Council
9 that facilitate the accomplishment of section
10 2(b)(1) with respect to the Federal Government.

11 “(2) COMMENTS.—The report shall include any
12 comments submitted by the National Council on Dis-
13 ability as to the appropriateness of the response de-
14 scribed in paragraph (1)(A) and the effectiveness of
15 the activities described in paragraph (1)(B) in meet-
16 ing the needs of individuals with disabilities for
17 assistive technology devices and assistive technology
18 services.

19 “(g) EFFECT ON OTHER ASSISTANCE.—This title may
20 not be construed as authorizing a Federal or a State agency
21 to reduce medical or other assistance available or to alter
22 eligibility under any other Federal law.”.

23 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 106 (29 U.S.C. 2216) is amended to read as
25 follows:

1 ***“SEC. 106. AUTHORIZATION OF APPROPRIATIONS.***

2 “(a) *AUTHORIZATION OF APPROPRIATIONS.—There*
3 *are authorized to be appropriated to carry out this title*
4 *\$50,000,000 for fiscal year 1994, and such sums as may*
5 *be necessary for each of the fiscal years 1995 through 1998.*

6 “(b) *RESERVATIONS.—*

7 “(1) *PROVISION OF INFORMATION AND TECH-*
8 *NICAL ASSISTANCE.—*

9 “(A) *IN GENERAL.—Of the funds appro-*
10 *priated for any fiscal year under subsection (a),*
11 *the Secretary shall reserve at least 2 percent or*
12 *\$1,500,000, whichever is greater, of such funds,*
13 *for the purpose of providing information and*
14 *technical assistance as described in subpara-*
15 *graphs (B) and (C) to States, individuals with*
16 *disabilities and their family members, guard-*
17 *ians, advocates, or authorized representatives,*
18 *community-based organizations, and protection*
19 *and advocacy agencies.*

20 “(B) *TECHNICAL ASSISTANCE TO STATES.—*
21 *In providing such information and technical as-*
22 *sistance to States, the Secretary shall consider*
23 *the input of the directors of consumer-responsive*
24 *comprehensive statewide programs of technology-*
25 *related assistance, shall provide a clearinghouse*
26 *for activities that have been developed and im-*

1 *plemented through programs funded under this*
2 *title, and shall provide information and tech-*
3 *nical assistance that—*

4 *“(i) facilitate service delivery capacity*
5 *building, training of personnel from a vari-*
6 *ety of disciplines, and improvement of eval-*
7 *uation strategies, research, and data collec-*
8 *tion;*

9 *“(ii) foster the development and rep-*
10 *lication of effective approaches to informa-*
11 *tion referral, interagency coordination of*
12 *training and service delivery, outreach to*
13 *underrepresented populations and rural*
14 *populations, and public awareness activi-*
15 *ties;*

16 *“(iii) improve the awareness and*
17 *adoption of successful approaches to in-*
18 *creasing the availability of public and pri-*
19 *vate funding for and access to the provision*
20 *of assistive technology devices and assistive*
21 *technology services by appropriate State*
22 *agencies;*

23 *“(iv) assist in planning, developing,*
24 *implementing, and evaluating appropriate*
25 *activities to further extend consumer-respon-*

1 *sive comprehensive statewide programs of*
2 *technology-related assistance;*

3 “(v) *promote effective approaches to the*
4 *development of consumer-controlled systems*
5 *that increase access to, funding for, and*
6 *awareness of, assistive technology devices*
7 *and assistive technology services;*

8 “(vi) *provide technical assistance and*
9 *training to the entities carrying out activi-*
10 *ties funded pursuant to this title, to estab-*
11 *lish or participate in electronic communica-*
12 *tion activities with other States; and*

13 “(vii) *provide any other appropriate*
14 *information and technical assistance to as-*
15 *sist the States in accomplishing the pur-*
16 *poses of this Act.*

17 “(C) *INFORMATION AND TECHNICAL ASSIST-*
18 *ANCE TO INDIVIDUALS WITH DISABILITIES AND*
19 *OTHER PERSONS.—The Secretary shall provide*
20 *information and technical assistance to individ-*
21 *uals with disabilities and their family members,*
22 *guardians, advocates, or authorized representa-*
23 *tives, community-based organizations, and pro-*
24 *tection and advocacy agencies, on a nationwide*
25 *basis, to—*

1 “(i) disseminate information about,
2 and foster awareness and understanding of,
3 Federal, State, and local laws, regulations,
4 policies, practices, procedures, and organi-
5 zational structures, that facilitate, and over-
6 come barriers to, funding for, and access to,
7 assistive technology devices and assistive
8 technology services, to promote fuller inde-
9 pendence, productivity, and inclusion for
10 individuals with disabilities of all ages;

11 “(ii) identify, collect, and disseminate
12 information, and provide technical assist-
13 ance, on effective systems change and advo-
14 cacy activities;

15 “(iii) improve the understanding and
16 use of assistive technology funding decisions
17 made as a result of policies, practices, and
18 procedures, or through regulations, adminis-
19 trative hearings, or legal actions, that en-
20 hance access to funding for assistive tech-
21 nology devices and assistive technology serv-
22 ices for individuals with disabilities;

23 “(iv) promote effective approaches to
24 Federal-State coordination of programs for
25 individuals with disabilities, through infor-

1 *mation dissemination and technical assist-*
2 *ance activities in response to funding policy*
3 *issues identified on a nationwide basis by*
4 *organizations, and individuals, that im-*
5 *prove funding for or access to assistive tech-*
6 *nology devices and assistive technology serv-*
7 *ices for individuals with disabilities of all*
8 *ages; and*

9 “(v) promote effective approaches to the
10 *development of consumer-controlled systems*
11 *that increase access to, funding for, and*
12 *awareness of, assistive technology devices*
13 *and assistive technology services, including*
14 *the identification and description of mecha-*
15 *nisms and means that successfully support*
16 *self-help and peer mentoring groups for in-*
17 *dividuals with disabilities.*

18 “(D) *COORDINATION.*—*The Secretary shall*
19 *coordinate the information and technical assist-*
20 *ance activities carried out under subparagraph*
21 *(B) or (C) with other activities funded under*
22 *this Act.*

23 “(E) *GRANTS, CONTRACTS, OR COOPERATIVE*
24 *AGREEMENTS.*—

1 “(i) *IN GENERAL.*—*The Secretary shall*
2 *provide the technical assistance and infor-*
3 *mation described in subparagraphs (B) and*
4 *(C) through grants, contracts, or cooperative*
5 *agreements with public or private agencies*
6 *and organizations, including institutions of*
7 *higher education, with documented experi-*
8 *ence, expertise, and capacity to carry out*
9 *identified activities related to the provision*
10 *of such technical assistance and informa-*
11 *tion.*

12 “(ii) *ENTITIES WITH EXPERTISE IN*
13 *ASSISTIVE TECHNOLOGY SERVICE DELIVERY,*
14 *INTERAGENCY COORDINATION, AND SYSTEMS*
15 *CHANGE AND ADVOCACY ACTIVITIES.*—*For*
16 *the purpose of achieving the objectives de-*
17 *scribed in paragraph (1)(B), the Secretary*
18 *shall reserve not less than 45 percent and*
19 *not more than 55 percent of the funds re-*
20 *served under subparagraph (A) for each fis-*
21 *cal year for grants to, or contracts or coop-*
22 *erative agreements with, public or private*
23 *agencies or organizations with documented*
24 *experience with and expertise in assistive*
25 *technology service delivery, interagency co-*

1 *ordination, and systems change and advocacy activities.*

2
3 *“(iii) ENTITIES WITH EXPERTISE IN*
4 *ASSISTIVE TECHNOLOGY SYSTEMS CHANGE*
5 *AND ADVOCACY ACTIVITIES, PUBLIC FUND-*
6 *ING OPTIONS, AND OTHER SERVICES.—For*
7 *the purpose of achieving the objectives de-*
8 *scribed in paragraph (1)(C), the Secretary*
9 *shall reserve not less than 45 percent and*
10 *not more than 55 percent of the funds re-*
11 *served under subparagraph (A) for each fis-*
12 *cal year for grants to, or contracts or coop-*
13 *erative agreements with, public or private*
14 *agencies or organizations with documented*
15 *experience with and expertise in—*

16 *“(I) assistive technology systems*
17 *change and advocacy activities;*

18 *“(II) public funding options; and*

19 *“(III) services to increase nation-*
20 *wide the availability of funding for*
21 *assistive technology devices and*
22 *assistive technology services.*

23 *“(iv) APPLICATION.—The Secretary*
24 *shall make any grants, and enter into any*
25 *contracts or cooperative agreements, under*

1 *this subsection on a competitive basis. To be*
 2 *eligible to receive funds under this sub-*
 3 *section an agency, organization, or institu-*
 4 *tion shall submit an application to the Sec-*
 5 *retary at such time, in such manner, and*
 6 *containing such information, as the Sec-*
 7 *retary may require.*

8 *“(2) ONSITE VISITS.—The Secretary may re-*
 9 *serve, from amounts appropriated for any fiscal year*
 10 *under subsection (a), such sums as the Secretary con-*
 11 *siders to be necessary for the purposes of conducting*
 12 *onsite visits as required by section 105(a)(2).”.*

13 ***SEC. 107. REPEALS.***

14 *Section 107 (20 U.S.C. 2217) is repealed.*

15 ***TITLE II—PROGRAMS OF***
 16 ***NATIONAL SIGNIFICANCE***

17 ***SEC. 201. NATIONAL CLASSIFICATION SYSTEM.***

18 *Title II (29 U.S.C. 2231 et seq.) is amended by repeal-*
 19 *ing part A and inserting the following:*

20 ***“Subtitle A—National***
 21 ***Classification System***

22 ***“SEC. 201. CLASSIFICATION SYSTEM.***

23 *“(a) SYSTEM DEVELOPMENT PROJECT.—*

24 *“(1) IN GENERAL.—In fiscal year 1995, the Sec-*
 25 *retary shall initiate a system development project,*

1 *based on a plan developed in consultation and coordi-*
2 *nation with other appropriate Federal and State*
3 *agencies, to develop a national classification system*
4 *for assistive technology devices and assistive tech-*
5 *nology services, with the goal of obtaining uniform*
6 *data through such a system on such devices and serv-*
7 *ices across public programs and information and re-*
8 *ferral networks.*

9 “(2) *PROJECT PLAN.*—

10 “(A) *REPRESENTATIVES.*—*In developing a*
11 *plan for the system development project, the Sec-*
12 *retary shall consult with, and coordinate activi-*
13 *ties with—*

14 “(i) *representatives of Federal agencies,*
15 *including agencies that are headed by mem-*
16 *bers of the Interagency Disability Coordi-*
17 *nating Council established under section*
18 *507 of the Rehabilitation Act of 1973 (29*
19 *U.S.C. 794c); and*

20 “(ii) *as determined by the Secretary,*
21 *representatives of State agencies and other*
22 *appropriate organizations that have respon-*
23 *sibility for or are involved in the develop-*
24 *ment and modification of assistive tech-*
25 *nology devices, the provision of assistive*

1 *technology devices and assistive technology*
2 *services, or the dissemination of information*
3 *about assistive technology devices and*
4 *assistive technology services, including re-*
5 *cipients of grants or contracts for the provi-*
6 *sion of technical assistance to State assistive*
7 *technology projects under section 106(b),*
8 *assistive technology reimbursement special-*
9 *ists, representatives of the State assistive*
10 *technology projects, and representatives of*
11 *organizations involved in information and*
12 *referral activities.*

13 “(B) *ISSUES.—The Secretary shall conduct*
14 *such consultation, and such coordination of ac-*
15 *tivities, with respect to the following:*

16 “(i) *The costs and benefits, on an agen-*
17 *cy-by-agency basis, of obtaining uniform*
18 *data through a national classification sys-*
19 *tem for assistive technology devices and*
20 *assistive technology services across public*
21 *programs and information and referral net-*
22 *works.*

23 “(ii) *The types of data that should be*
24 *collected, including data regarding funding,*
25 *across a range of programs, including the*

1 *programs listed in subsection (c)(2), as ap-*
2 *propriate.*

3 “(iii) *A methodology for developing a*
4 *single taxonomy and nomenclature for both*
5 *assistive technology devices and assistive*
6 *technology services across a range of pro-*
7 *grams, including the programs listed in*
8 *subsection (c)(2), as appropriate.*

9 “(iv) *The process for developing an ap-*
10 *propriate data collection instrument or in-*
11 *struments.*

12 “(v) *A methodology for collecting data*
13 *across a range of programs, including the*
14 *programs listed in subsection (c)(2), as ap-*
15 *propriate.*

16 “(vi) *The use of a national classifica-*
17 *tion system by the Internal Revenue Service*
18 *and State finance agencies to determine*
19 *whether devices and services are assistive*
20 *technology devices or assistive technology*
21 *services for the purpose of determining*
22 *whether a deduction or credit is allowable*
23 *under the Internal Revenue Code of 1986 or*
24 *State tax law.*

1 “(3) *CONTRACTS AND COOPERATIVE AGREE-*
2 *MENTS.—The Secretary may carry out this section*
3 *directly, or, if necessary, by entering into contracts or*
4 *cooperative agreements with appropriate entities.*

5 “(b) *SINGLE TAXONOMY.—In conducting the system*
6 *development project, the Secretary shall develop a national*
7 *classification system that includes a single taxonomy and*
8 *nomenclature for assistive technology devices and assistive*
9 *technology services.*

10 “(c) *DATA COLLECTION INSTRUMENT.—In conducting*
11 *the system development project, the Secretary shall develop*
12 *a data collection instrument to—*

13 “(1) *collect data regarding funding for assistive*
14 *technology devices and assistive technology services;*
15 *and*

16 “(2) *collect such data from public programs, in-*
17 *cluding, at a minimum—*

18 “(A) *programs carried out under title I, VI,*
19 *or VII of the Rehabilitation Act of 1973 (29*
20 *U.S.C. 720 et seq., 795 et seq., or 796 et seq.);*

21 “(B) *programs carried out under part B or*
22 *H of the Individuals with Disabilities Education*
23 *Act (20 U.S.C. 1411 et seq. or 1471 et seq.);*

1 “(C) programs carried out under title V or
2 XIX of the Social Security Act (42 U.S.C. 701
3 et seq. or 1396 et seq.);

4 “(D) programs carried out under the Older
5 Americans Act of 1965 (42 U.S.C. 3001 et seq.);
6 and

7 “(E) programs carried out under the Devel-
8 opmental Disabilities Assistance and Bill of
9 Rights Act (42 U.S.C. 6000 et seq.).

10 “(d) CONSULTATION.—The Secretary shall conduct the
11 system development project in consultation with the Federal
12 agencies that were consulted in developing the project plan.

13 “(e) REPORT TO THE PRESIDENT AND THE CONGRESS
14 ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYS-
15 TEM.—Not later than July 1, 1997, the Secretary shall pre-
16 pare and submit to the President and the appropriate com-
17 mittees of Congress a report containing—

18 “(1) the results of the system development
19 project; and

20 “(2) the recommendations of the Secretary con-
21 cerning implementation of a national classification
22 system, including uniform data collection.

23 “(f) RESERVATION.—From the amounts appropriated
24 under subtitle C for fiscal year 1995, the Secretary shall
25 reserve up to \$200,000 to carry out this subtitle.”.

1 **SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.**

2 Title II (29 U.S.C. 2231 et seq.) is amended by repeal-
3 ing parts B, C, and D and inserting the following:

4 **“Subtitle B—Training and**
5 **Demonstration Projects**

6 **“SEC. 211. TRAINING.**

7 “(a) TECHNOLOGY TRAINING.—

8 “(1) GENERAL AUTHORITY.—The Secretary shall
9 make grants to, or enter into contracts or cooperative
10 agreements with, appropriate public or private agen-
11 cies and organizations, including institutions of high-
12 er education and community-based organizations, for
13 the purposes of—

14 “(A) conducting training sessions;

15 “(B) developing, demonstrating, disseminat-
16 ing, and evaluating curricula, materials, and
17 methods used to train individuals regarding the
18 provision of technology-related assistance, to en-
19 hance opportunities for independence, productiv-
20 ity, and inclusion of individuals with disabil-
21 ities; and

22 “(C) providing training to develop aware-
23 ness, skills, and competencies of service provid-
24 ers, consumers, and volunteers, who are located
25 in rural areas, to increase the availability of
26 technology-related assistance in community-based

1 *settings for rural residents who are individuals*
2 *with disabilities.*

3 “(2) *ELIGIBLE ACTIVITIES.*—Activities conducted
4 *under grants, contracts, or cooperative agreements de-*
5 *scribed in paragraph (1) may address the training*
6 *needs of individuals with disabilities and their family*
7 *members, guardians, advocates, and authorized rep-*
8 *resentatives, individuals who work for public agen-*
9 *cies, or for private entities (including insurers), that*
10 *have contact with individuals with disabilities, edu-*
11 *cators and related services personnel, technology ex-*
12 *perts (including engineers), employers, and other ap-*
13 *propriate individuals.*

14 “(3) *USES OF FUNDS.*—An agency or organiza-
15 *tion that receives a grant or enters into a contract or*
16 *cooperative agreement under paragraph (1) may use*
17 *amounts made available through the grant, contract,*
18 *or agreement to—*

19 “(A) *pay for a portion of the cost of courses*
20 *of training or study related to technology-related*
21 *assistance; and*

22 “(B) *establish and maintain scholarships*
23 *related to such courses of training or study, with*
24 *such stipends and allowances as the Secretary*
25 *may determine to be appropriate.*

1 “(4) *APPLICATION.*—

2 “(A) *IN GENERAL.*—*To be eligible to receive*
3 *a grant or enter into a contract or cooperative*
4 *agreement under paragraph (1), an agency or*
5 *organization shall submit an application to the*
6 *Secretary at such time, in such manner, and*
7 *containing such information as the Secretary*
8 *may require.*

9 “(B) *STRATEGIES.*—*At a minimum, any*
10 *such application shall include a detailed descrip-*
11 *tion of the strategies that the agency or organiza-*
12 *tion will use to recruit and train persons to pro-*
13 *vide technology-related assistance, in order to—*

14 “(i) *increase the extent to which such*
15 *persons reflect the diverse populations of the*
16 *United States; and*

17 “(ii) *increase the number of individ-*
18 *uals with disabilities, and individuals who*
19 *are members of minority groups, who are*
20 *available to provide such assistance.*

21 “(5) *PRIORITIES.*—

22 “(A) *IN GENERAL.*—*Beginning in fiscal*
23 *year 1994, the Secretary shall—*

1 “(i) *establish priorities for activities*
2 *carried out with assistance under this sub-*
3 *section;*

4 “(ii) *publish such priorities in the*
5 *Federal Register for the purpose of receiving*
6 *public comment; and*

7 “(iii) *publish such priorities in the*
8 *Federal Register in final form not later*
9 *than the date on which the Secretary pub-*
10 *lishes announcements for assistance pro-*
11 *vided under this subsection.*

12 “(B) *EXPLANATION OF DETERMINATION OF*
13 *PRIORITIES.—Concurrent with the publications*
14 *required by subparagraph (A), the Secretary*
15 *shall publish in the Federal Register an expla-*
16 *nation of the manner in which the priorities*
17 *were determined.*

18 “(b) *TECHNOLOGY CAREERS.—*

19 “(1) *IN GENERAL.—*

20 “(A) *GRANTS.—The Secretary shall make*
21 *grants to assist public or private agencies and*
22 *organizations, including institutions of higher*
23 *education, to prepare students and faculty work-*
24 *ing in specific fields for careers relating to the*

1 *provision of assistive technology devices and*
2 *assistive technology services.*

3 “(B) *FIELDS.*—*The specific fields described*
4 *in subparagraph (A) may include—*

5 “(i) *engineering;*

6 “(ii) *industrial technology;*

7 “(iii) *computer science;*

8 “(iv) *communication disorders;*

9 “(v) *special education and related serv-*
10 *ices;*

11 “(vi) *rehabilitation; and*

12 “(vii) *social work.*

13 “(2) *PRIORITY.*—*In awarding grants under*
14 *paragraph (1), the Secretary shall give priority to the*
15 *interdisciplinary preparation of personnel who pro-*
16 *vide or who will provide technical assistance, who ad-*
17 *minister programs, or who prepare other personnel,*
18 *in order to—*

19 “(A) *support the development and imple-*
20 *mentation of consumer-responsive comprehensive*
21 *statewide programs of technology-related assist-*
22 *ance to individuals with disabilities; and*

23 “(B) *enhance the skills and competencies of*
24 *individuals involved in the provision of tech-*
25 *nology-related assistance, including assistive*

1 *technology devices and assistive technology serv-*
2 *ices, to individuals with disabilities.*

3 “(3) *USES OF FUNDS.*—An agency or organiza-
4 *tion that receives a grant under paragraph (1) may*
5 *use amounts made available through the grant to—*

6 “(A) *pay for a portion of the cost of courses*
7 *of training or study related to technology-related*
8 *assistance; and*

9 “(B) *establish and maintain scholarships*
10 *related to such courses of training or study, with*
11 *such stipends and allowances as the Secretary*
12 *may determine to be appropriate.*

13 “(4) *APPLICATION.*—

14 “(A) *IN GENERAL.*—To be eligible to receive
15 *a grant under this section, an agency or organi-*
16 *zation shall submit an application to the Sec-*
17 *retary at such time, in such manner, and con-*
18 *taining such information as the Secretary may*
19 *require.*

20 “(B) *STRATEGIES.*—At a minimum, any
21 *such application shall include a detailed descrip-*
22 *tion of the strategies that the agency or organiza-*
23 *tion will use to recruit and train persons to pro-*
24 *vide technology-related assistance, in order to—*

1 “(i) increase the extent to which such
2 persons reflect the diverse populations of the
3 United States; and

4 “(ii) increase the number of individ-
5 uals with disabilities, and individuals who
6 are members of minority groups, who are
7 available to provide such assistance.

8 “(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—
9 In exercising the authority granted in subsections (a) and
10 (b), the Secretary shall reserve an adequate amount for
11 grants to historically black colleges and universities and
12 other institutions of higher education whose minority stu-
13 dent enrollment is at least 50 percent.

14 **“SEC. 212. TECHNOLOGY TRANSFER.**

15 “The Secretary shall enter into an agreement with an
16 organization whose primary function is to promote tech-
17 nology transfer from, and cooperation among, Federal lab-
18 oratories (as defined in section 4(6) of the Stevenson-Wydler
19 Technology Innovation Act of 1980 (15 U.S.C. 3703(6))),
20 under which funds shall be provided to promote technology
21 transfer that will spur the development of assistive tech-
22 nology devices.

1 **“SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION IN-**
2 **FORMATION SYSTEMS AND RECYCLING CEN-**
3 **TERS.**

4 “(a) *IN GENERAL.*—The Secretary shall make grants
5 to, or enter into contracts or cooperative agreements with,
6 public agencies, private entities, or institutions of higher
7 education for the purpose of developing and establishing re-
8 cycling projects.

9 “(b) *PROJECT ACTIVITIES.*—Such recycling projects
10 may include—

11 “(1) a system for accepting, on an unconditional
12 gift basis, assistive technology devices, including a
13 process for valuing the devices and evaluating their
14 use and potential;

15 “(2) a system for storing and caring for such de-
16 vices;

17 “(3) an information system (including computer
18 databases) by which local educational agencies, reha-
19 bilitation entities, local community-based organiza-
20 tions, independent living centers, and other entities,
21 would be informed, on a periodic and timely basis,
22 about the availability and nature of the devices cur-
23 rently held; and

24 “(4) a system that makes such devices available
25 to consumers and the entities listed in paragraph (3),

1 *and provides for tracking each device throughout the*
2 *useful life of the device.*

3 “(c) *MULTIPLE PROVIDERS.*—

4 “(1) *IN GENERAL.*—*With respect to activities*
5 *funded under this section, an agency, entity, or insti-*
6 *tution may utilize a single service provider or may*
7 *establish a system of service providers.*

8 “(2) *ASSURANCES.*—*If an agency, entity, or in-*
9 *stitution uses multiple providers, the agency, entity,*
10 *or institution shall assure that—*

11 “(A) *all consumers within a State will re-*
12 *ceive equal access to services, regardless of the ge-*
13 *ographic location or socioeconomic status of the*
14 *consumers; and*

15 “(B) *all activities of the providers will be*
16 *coordinated and monitored by the agency, entity,*
17 *or institution.*

18 “(d) *OTHER LAWS.*—*Nothing in this section shall af-*
19 *fect the provision of services or devices pursuant to title I*
20 *of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.)*
21 *or part B of the Individuals with Disabilities Education*
22 *Act (20 U.S.C. 1411 et seq.).*

23 “(e) *EXISTING PROGRAMS.*—*Public agencies, private*
24 *entities, or institutions of higher education that have estab-*
25 *lished recycling programs prior to receiving assistance*

1 *under this section may use funds made available under this*
2 *section to extend and strengthen such programs through*
3 *grants, contracts, or agreements under this section.*

4 ***“SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS***
5 ***WITH DISABILITIES.***

6 *“The Secretary may make grants to individuals with*
7 *disabilities to enable the individuals to establish or operate*
8 *commercial or other enterprises that develop or market*
9 *assistive technology devices or assistive technology services.*

10 ***“SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.***

11 *“The Secretary may make grants to commercial or*
12 *other enterprises and institutions of higher education for*
13 *the research and development of products of universal de-*
14 *sign. In awarding such grants, the Secretary shall give pref-*
15 *erence to enterprises that are owned or operated by individ-*
16 *uals with disabilities.*

17 ***“SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.***

18 *“Persons and entities that carry out activities pursu-*
19 *ant to this subtitle shall—*

20 *“(1) be held to the same consumer-responsive*
21 *standards as the persons and entities carrying out*
22 *programs under title I;*

23 *“(2) make available to individuals with disabil-*
24 *ities and their family members, guardians, advocates,*
25 *and authorized representatives information concern-*

1 *ing technology-related assistance in a form that will*
2 *allow such individuals with disabilities to effectively*
3 *use such information;*

4 *“(3) in preparing such information for dissemi-*
5 *nation, consider the media-related needs of individ-*
6 *uals with disabilities who have sensory and cognitive*
7 *limitations and consider the use of auditory mate-*
8 *rials, including audio cassettes, visual materials, in-*
9 *cluding video cassettes and video discs, and braille*
10 *materials; and*

11 *“(4) coordinate their efforts with the consumer-*
12 *responsive comprehensive statewide program of tech-*
13 *nology-related assistance for individuals with disabil-*
14 *ities in any State in which the activities are carried*
15 *out.*

16 ***“Subtitle C—Authorization of***
17 ***Appropriations***

18 ***“SEC. 221. AUTHORIZATION OF APPROPRIATIONS.***

19 *“There are authorized to be appropriated to carry out*
20 *this title \$10,000,000 for fiscal year 1994, and such sums*
21 *as may be necessary for each of the fiscal years 1995*
22 *through 1998.”.*

**TITLE III—ALTERNATIVE
FINANCING MECHANISMS**

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

**“TITLE III—ALTERNATIVE
FINANCING MECHANISMS**

“SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

“(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an ‘alternative financing mechanism’) to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

“(b) MECHANISMS.—The alternative financing mechanisms may include—

“(1) a low-interest loan fund;

“(2) a revolving fund;

“(3) a loan insurance program;

1 “(4) a partnership with private entities for the
 2 purchase, lease, or other acquisition of assistive tech-
 3 nology devices or the provision of assistive technology
 4 services; and

5 “(5) other alternative financing mechanisms that
 6 meet the requirements of this Act and are approved
 7 by the Secretary.

8 “(c) CONSTRUCTION.—Nothing in this section shall be
 9 construed as affecting the authority of a State to establish
 10 alternative financing mechanisms under title I.

11 **“SEC. 302. APPLICATIONS AND PROCEDURES.**

12 “(a) ELIGIBILITY.—States that receive or have received
 13 grants under section 102 or 103 shall be eligible to compete
 14 for grants under section 301.

15 “(b) REQUIREMENTS.—The Secretary shall make
 16 grants under section 301 under such conditions as the Sec-
 17 retary shall, by regulation, determine, except that—

18 “(1) a State may receive only 1 grant under sec-
 19 tion 301 and may only receive such a grant for 1
 20 year under this title;

21 “(2) a State that desires to receive a grant under
 22 section 301 shall submit an application to the Sec-
 23 retary, at such time and in such manner as the Sec-
 24 retary may require, containing—

1 “(A) an assurance that the State will pro-
2 vide at least 50 percent of the cost described in
3 section 301(a), as set forth in section 304, for the
4 purpose of supporting the alternative financing
5 mechanisms that are covered by the grant;

6 “(B) an assurance that an alternative fi-
7 nancing mechanism will continue on a perma-
8 nent basis; and

9 “(C) a description of the degree to which the
10 alternative financing mechanisms to be funded
11 under section 301 will expand and emphasize
12 consumer choice and control;

13 “(3) a State that receives a grant under section
14 301—

15 “(A) shall enter into a contract, with a
16 community-based organization (or a consortia of
17 such organizations) that has individuals with
18 disabilities involved at all organizational levels,
19 for the administration of the alternative financ-
20 ing mechanisms that are supported under section
21 301; and

22 “(B) shall require that such community-
23 based organization enter into a contract, for the
24 purpose of expanding opportunities under sec-

1 tion 301 and facilitating the administration of
2 the alternative financing mechanisms, with—

3 “(i) commercial lending institutions or
4 organizations; or

5 “(ii) State financing agencies; and

6 “(4) a contract between a State that receives a
7 grant under section 301 and a community-based or-
8 ganization described in paragraph (3)—

9 “(A) shall include a provision regarding the
10 administration of the Federal and the non-Fed-
11 eral shares in a manner consistent with the pro-
12 visions of this title; and

13 “(B) shall include any provision required
14 by the Secretary dealing with oversight and eval-
15 uation as may be necessary to protect the finan-
16 cial interests of the United States.

17 **“SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.**

18 “A State that receives a grant under section 301, to-
19 gether with any community-based organization that enters
20 into a contract with the State to administer an alternative
21 financing mechanism that is supported under section 301,
22 shall develop and submit to the Secretary, pursuant to a
23 timeline that the Secretary may establish or, if the Sec-
24 retary does not establish a timeline, within the 12-month
25 period beginning on the date that the State receives the

1 *grant, the following policies or procedures for administra-*
2 *tion of the mechanism:*

3 “(1) *A procedure to review and process in a*
4 *timely fashion requests for financial assistance for*
5 *both immediate and potential technology needs, in-*
6 *cluding consideration of methods to reduce paperwork*
7 *and duplication of effort, particularly relating to*
8 *need, eligibility, and determination of the specific de-*
9 *vice or service to be provided.*

10 “(2) *A policy and procedure to assure that access*
11 *to the alternative financing mechanism shall be given*
12 *to consumers regardless of type of disability, age, lo-*
13 *cation of residence in the State, or type of assistive*
14 *technology device or assistive technology service re-*
15 *quested and shall be made available to applicants of*
16 *all income levels.*

17 “(3) *A procedure to assure consumer-controlled*
18 *oversight.*

19 **“SEC. 304. FINANCIAL REQUIREMENTS.**

20 “(a) *FEDERAL SHARE.*—*The Federal share of the costs*
21 *described in section 301(a) shall be not more than 50 per-*
22 *cent.*

23 “(b) *REQUIREMENTS.*—*A State that desires to receive*
24 *a grant under section 301 shall include in the application*
25 *submitted under section 302 assurances that the State will*

1 *meet the following requirements regarding funds supporting*
2 *an alternative funding mechanism assisted under section*
3 *301:*

4 “(1) *The State shall make available the funds*
5 *necessary to provide the non-Federal share of the costs*
6 *described in section 301(a), in cash, from State, local,*
7 *or private sources.*

8 “(2) *Funds that support an alternative financ-*
9 *ing mechanism assisted under section 301—*

10 “(A) *shall be used to supplement and not*
11 *supplant other Federal, State, and local public*
12 *funds expended to provide public funding op-*
13 *tions; and*

14 “(B) *may only be distributed through the*
15 *entity carrying out the alternative financing*
16 *mechanism as a payer of last resort for assist-*
17 *ance that is not available in a reasonable or*
18 *timely fashion from any other Federal, State, or*
19 *local source.*

20 “(3) *All funds that support an alternative fi-*
21 *nancing mechanism assisted under section 301, in-*
22 *cluding funds repaid during the life of the mecha-*
23 *nism, shall be placed in a permanent separate ac-*
24 *count and identified and accounted for separately*
25 *from any other fund. Funds within this account may*

1 *be invested in low-risk securities in which a regulated*
2 *insurance company may invest under the law of the*
3 *State for which the grant is provided and shall be ad-*
4 *ministered with the same judgment and care that a*
5 *person of prudence, discretion, and intelligence would*
6 *exercise in the management of the financial affairs of*
7 *such person.*

8 *“(4) Funds comprised of the principal and inter-*
9 *est from an account described in paragraph (3) shall*
10 *be available to support an alternative financing*
11 *mechanism assisted under section 301. Any interest*
12 *or investment income that accrues on such funds after*
13 *such funds have been placed under the control of the*
14 *entity administering the mechanism, but before such*
15 *funds are distributed for purposes of supporting the*
16 *mechanism, shall be the property of the entity admin-*
17 *istering the mechanism and shall not be taken into*
18 *account by any officer or employee of the Federal*
19 *Government for any purpose.*

20 **“SEC. 305. AMOUNT OF GRANTS.**

21 *“(a) AMOUNT.—*

22 *“(1) IN GENERAL.—Except as provided in para-*
23 *graph (2), a grant under section 301 shall be for an*
24 *amount that is not more than \$500,000.*

1 “(2) *INCREASES*.—Such a grant may be in-
2 creased by any additional funds made available
3 under subsection (b).

4 “(b) *EXCESS FUNDS*.—If funds appropriated under
5 section 308 for a fiscal year exceed the amount necessary
6 to fund the activities described in acceptable applications
7 submitted under section 302 for such year, the Secretary
8 shall make such excess amount available, on a competitive
9 basis, to States receiving grants under section 301 for such
10 year. A State that desires to receive additional funds under
11 this subsection shall amend and resubmit to the Secretary
12 the application submitted under section 302. Such amended
13 application shall contain an assurance that the State will
14 provide an additional amount for the purpose of supporting
15 the alternative financing mechanisms covered by the grant
16 that is not less than the amount of any additional funds
17 paid to the State by the Secretary under this subsection.

18 “(c) *INSUFFICIENT FUNDS*.—If funds appropriated
19 under section 308 for a fiscal year are not sufficient to fund
20 each of the activities described in the acceptable applica-
21 tions for such year, a State whose application was approved
22 as acceptable for such year but that did not receive a grant
23 under section 301, may update such application for the suc-
24 ceeding fiscal year. Priority shall be given in such succeed-
25 ing fiscal year to such updated applications, if acceptable.

1 **“SEC. 306. TECHNICAL ASSISTANCE.**

2 “(a) *IN GENERAL.*—The Secretary shall provide infor-
3 mation and technical assistance to States under this title,
4 and the information and technical assistance shall in-
5 clude—

6 “(1) *assisting States in the preparation of appli-*
7 *cations for grants under section 301;*

8 “(2) *assisting States that receive such grants in*
9 *developing and implementing alternative financing*
10 *mechanisms; and*

11 “(3) *providing any other information and tech-*
12 *nical assistance to assist States in accomplishing the*
13 *objectives of this title.*

14 “(b) *GRANTS, CONTRACTS, AND AGREEMENTS.*—The
15 Secretary shall provide the information and technical as-
16 sistance described in subsection (a) through grants, con-
17 tracts, or cooperative agreements with public or private
18 agencies and organizations, including institutions of higher
19 education, with documented experience, expertise, and ca-
20 pacity to assist States in the development and implementa-
21 tion of the alternative financing mechanisms described in
22 section 301.

23 **“SEC. 307. ANNUAL REPORT.**

24 “(a) *IN GENERAL.*—Not later than December 31 of
25 each year, the Secretary shall submit a report to the Con-
26 gress stating whether each State program to provide alter-

1 *native financing mechanisms that was supported under sec-*
2 *tion 301 during the year is making significant progress in*
3 *achieving the objectives of this title.*

4 “(b) *CONTENTS.*—*The report shall include information*
5 *on—*

6 “(1) *the number of applications for grants under*
7 *section 301 that were received by the Secretary;*

8 “(2) *the number of grants made and the amounts*
9 *of such grants;*

10 “(3) *the ratio of the amount of funds provided*
11 *by each State for a State program to provide alter-*
12 *native financing mechanisms to the amount of Fed-*
13 *eral funds provided for such program;*

14 “(4) *the type of program to provide alternative*
15 *financing mechanisms that was adopted in each State*
16 *and the community-based organization (or consortia*
17 *of such organizations) with which each State has en-*
18 *tered into a contract; and*

19 “(5) *the amount of assistance given to consumers*
20 *(who shall be classified by age, type of disability, type*
21 *of assistive technology device or assistive technology*
22 *service received, geographic distribution within the*
23 *State, gender, and whether the consumers are part of*
24 *an underrepresented population or a rural popu-*
25 *lation).*

1 **“SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *IN GENERAL.*—There are authorized to be appro-
3 priated to carry out this title \$8,000,000 for fiscal year
4 1994, and such sums as may be necessary for each of the
5 fiscal years 1995 through 1998.

6 “(b) *AVAILABILITY IN SUCCEEDING FISCAL YEAR.*—
7 Amounts appropriated under subsection (a) shall remain
8 available for obligation for the fiscal year immediately fol-
9 lowing the fiscal year for which such amounts were appro-
10 priated.

11 “(c) *RESERVATION.*—Of the amounts appropriated
12 under subsection (a), the Secretary shall reserve \$250,000
13 for the purpose of providing information and technical as-
14 sistance to States under section 306.”.

15 **TITLE IV—AMENDMENTS TO**
16 **OTHER ACTS**

17 **SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION**
18 **ACT.**

19 Section 631(a)(1) of the Individuals with Disabilities
20 Education Act (20 U.S.C. 1431(a)(1)) is amended—

21 (1) by striking “, and” at the end of subpara-
22 graph (D) and inserting a comma;

23 (2) by striking the period at the end of subpara-
24 graph (E) and inserting “, and”; and

25 (3) by adding at the end the following:

1 “(F) training in the use, applications, and bene-
 2 fits of assistive technology devices and assistive tech-
 3 nology services (as defined in paragraphs (2) and (3)
 4 of section 3 of the Technology-Related Assistance for
 5 Individuals With Disabilities Act of 1988 (29 U.S.C.
 6 2202 (2) and (3))).”.

7 **SEC. 402. REHABILITATION ACT OF 1973.**

8 (a) NATIONAL INSTITUTE ON DISABILITY AND REHA-
 9 BILITATION RESEARCH.—Section 202(b)(8) of the Rehabili-
 10 tation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by
 11 striking “characteristics of individuals with disabilities”
 12 and inserting “characteristics of individuals with disabili-
 13 ties, including information on individuals with disabilities
 14 who live in rural or inner-city settings, with particular at-
 15 tention given to underserved populations,”.

16 (b) TRAINING.—Section 302(b)(1)(B) of the Rehabili-
 17 tation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by
 18 section 302(b) of Public Law 102–569 (106 Stat. 4412), is
 19 amended—

20 (1) by striking “; and” at the end of clause (ii)
 21 and inserting a semicolon;

22 (2) by striking the period at the end of clause
 23 (iii) and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(iv) projects to train personnel in the use,
 2 applications, and benefits of assistive technology
 3 devices and assistive technology services (as de-
 4 fined in paragraphs (2) and (3) of section 3 of
 5 the Technology-Related Assistance for Individ-
 6 uals With Disabilities Act of 1988 (29 U.S.C.
 7 2202 (2) and (3))).”.

8 **SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE**
 9 **HEAD START ACT.**

10 Section 644(f) of the Head Start Act (42 U.S.C.
 11 9839(f)) is amended—

12 (1) in paragraph (1)—

13 (A) by inserting “, or to request approval of
 14 the purchase (after December 31, 1986) of facili-
 15 ties,” after “to purchase facilities”; and

16 (B) by adding at the end the following:
 17 “The Secretary shall suspend any proceedings
 18 pending against any Head Start agency to
 19 claim costs incurred in purchasing such facilities
 20 until the agency has been afforded an oppor-
 21 tunity to apply for approval of the purchase and
 22 the Secretary has determined whether the pur-
 23 chase will be approved. The Secretary shall not
 24 be required to repay claims previously satisfied

1 *by Head Start agencies for costs incurred in the*
2 *purchase of such facilities.”; and*

3 *(2) in paragraph (2)—*

4 *(A) in subparagraph (A), by inserting “or*
5 *that was previously purchased” before the semi-*
6 *colon;*

7 *(B) in subparagraph (C)—*

8 *(i) by inserting “, or the previous pur-*
9 *chase has resulted,” after “purchase will re-*
10 *sult” in clause (i); and*

11 *(ii) in clause (ii)—*

12 *(I) by inserting “, or would have*
13 *prevented,” after “will prevent”; and*

14 *(II) by striking “and” at the end;*

15 *(C) by redesignating subparagraph (D) as*
16 *subparagraph (E); and*

17 *(D) by inserting after subparagraph (C) the*
18 *following:*

19 *“(D) in the case of a request regarding a pre-*
20 *viously purchased facility, information demonstrating*
21 *that the facility will be used principally as a Head*
22 *Start center, or a direct support facility for a Head*
23 *Start program; and”.*

1 **SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) *ASSISTIVE TECHNOLOGY DEVICE*.—Section 7(23)
3 of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as
4 added by section 102(n) of Public Law 102–569 (106 Stat.
5 4350), is amended—

6 (1) by striking “3(1)” and inserting “3(2)”; and

7 (2) by striking “2202(1)” and inserting
8 “2202(2)”.

9 (b) *ASSISTIVE TECHNOLOGY SERVICE*.—Section 7(24)
10 of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as
11 added by section 102(n) of Public Law 102–569 (106 Stat.
12 4350), is amended—

13 (1) by striking “3(2)” and inserting “3(3)”; and

14 (2) by striking “2202(2)” and inserting
15 “2202(3)”.

16 **TITLE V—EFFECTIVE DATE**

17 **SEC. 501. EFFECTIVE DATE.**

18 (a) *IN GENERAL*.—Except as otherwise specifically
19 provided in this Act, this Act and the amendments made
20 by this Act shall take effect on the date of the enactment
21 of this Act.

22 (b) *COMPLIANCE*.—Each State receiving a grant under
23 the Technology-Related Assistance for Individuals With
24 Disabilities Act of 1988 shall comply with the amendments
25 made by this Act—

1 (1) *as soon as practicable after the date of the*
 2 *enactment of this Act, consistent with the effective and*
 3 *efficient administration of the Technology-Related As-*
 4 *istance for Individuals With Disabilities Act of 1988;*
 5 *but*

6 (2) *not later than—*

7 (A) *the next date on which the State re-*
 8 *ceives an award through a grant under section*
 9 *102 or 103 of such Act; or*

10 (B) *October 1, 1994,*

11 *whichever is sooner.*

Attest:

Clerk.

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HR 2339 EAH—6

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